

**STATE DEPARTMENT COUNTRY REPORTS ON  
HUMAN RIGHTS PRACTICES: ROAD MAP  
FOR BUDGETING OF DEMOCRACY AND  
HUMAN RIGHTS PROGRAMS OF THE STATE  
DEPARTMENT**

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**WEDNESDAY, MARCH 7, 2001**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL  
OPERATIONS AND HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to call, at 10:17 a.m. in Room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen [Chairperson of the Subcommittee] presiding.

Ms. ROS-LEHTINEN. The Subcommittee will come to order.

Thank you all so much for all of you being here today and I especially want to thank my colleagues for this wonderful opportunity to chair this marvelous Subcommittee and I want to thank my colleague Chris Smith, who pinch hit for me last week when we had our first Committee hearing. I am so happy to be chairing it alongside my colleague, Congresswoman Cynthia McKinney of Georgia.

It is a pleasure to work with you, Cynthia, and thank all of you for being here today.

Thank you to the panelists and to the folks we have there in the audience.

We have our Subcommittee hearing today on State Department "Country Reports on Human Rights Practices" and we call it a road map for budgeting of democracy and human rights programs of the State Department. So thank you so much.

The opening paragraph of the Universal Declaration of Human Rights refers to the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

These words are a reminder to us all that when one people suffer, we all suffer. When one group is oppressed, it erodes the fabric of humanity and thus endangers the freedom of liberty for all. These words are a call for vigilance and for action.

As the beacon of democracy and Cold War victor, the United States has a moral obligation to speak for those whose voices have been silenced and send an unequivocal message that the United States Government will, as President John F. Kennedy once said, "Pay any price, bear any burden, meet any hardship, support any

friend, oppose any foe, and assure the survival and success of liberty.”

This is the driving force for the State Department “Country Reports on Human Rights Practices” and for this Subcommittee. I would like to commend the work of all involved with the investigation and the preparation of the 2000 reports. This year’s reports contain even more data than in previous years and provide critical assessment of the overall situation in some of the worst countries.

For the first time, the report released last week includes information on the trafficking in persons. This new focus stems from both the increasing threat that trafficking poses to the safety and well being of children and families across all continents, as well as the congressional mandate issued last year in section 104 of the Trafficking Victims Protection Act of 2000.

Ultimately, these reports serve as a road map for the U.S. in the formulation of policy toward the various countries, including such action as sponsoring or supporting resolutions at the meeting of the United Nations Commission on Human Rights. For example, the U.S. will be offering a resolution condemning human rights violations in China and Chechnya. It is working with the governments of the Czech and Polish republics toward passage of a resolution condemning the human rights situation in Cuba and it is working with its allies to ensure the strongest possible resolution concerning the situation in Sudan.

These reports also provide the foundation for discussion on the appointments of U.S. special envoys to specific countries and regions, as well as specific steps that the United States should take to respond and address the developments discussed in these reports.

Despite generally objective and unvarnished assessments, the report is not without flaw, however, nor is it immune to developments in bilateral, diplomatic and commercial relations between the U.S. and countries analyzed.

Observers will point to the section on Vietnam as an example, particularly to comments such as “There was some measurable improvement in a few areas,” yet there is absolutely no data to substantiate such an assertion. On the contrary, the information provided documents the numerous abuses by the Vietnamese government and the poor state of human rights in the country.

Skeptics and critics would argue that the editorial comments about improvements are a result of the pressure associated with the negotiations taking place between the U.S. and Vietnam toward a bilateral trade agreement. This will be one of the issues we will address during today’s hearing.

The Country Report on Haiti also raises questions on the terminology and methods used to measure progress or deterioration. In summarizing the situation in Haiti, the report states that the government’s human rights record was generally poor, a duplicate assessment of the 1999 report. It makes reference to the completion of two trials as evidence that the government has made some progress in fighting police impunity and the legacy of human rights abuses.

Haiti also illustrates a potentially dangerous tendency. That is, using the findings of the report to measure the impact of U.S. for-

eign aid and democracy programs. Administration officials would caution against using the contents of the report in this fashion as, in their view, it would compromise the objectivity of the country assessment and would diminish the value of the Human Rights Report.

This issue also calls into question the relationship and coordination between the State Department and the U.S. Agency for International Development in promoting democracy abroad. Some would argue the need to consolidate democracy programs into the State Department, while others highlight the need to follow a coordinated effort which includes both a long-term, locally focused approach followed by USAID along with a short-term high level diplomatic approach advocated by State.

Ultimately, the demands posed by the escalation of oppression, persecution, torture, and intimidation of ethnic and religious minorities, human rights and political and dissidents affects the allocation of resources assistance as well training. Given the Subcommittee's oversight responsibility over the State Department budget, this is the third major area that we will cover during today's session.

I thank all of the witnesses who are joining us today. They, and the institutions that they represent, provide a great service by elevating human rights and democracy to a foreign policy priority for the United States.

I would like to yield now to the Ranking Member of our Subcommittee, my colleague, Congresswoman Cynthia McKinney, for her opening statement.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

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Ms. MCKINNEY. Thank you, Madam Chair. Welcome back. I look forward to working with you. The world of voiceless people needs us to be its beacon and to work across party lines to shed light on the many dire conditions that exist around the world.

I am pleased to serve as the Ranking Democrat on this Subcommittee for my second full Congress of service. This will be my third hearing as the Ranking Democrat for the purpose of reviewing the State Department “Country Reports on Human Rights Practices” and its Bureau of Democracy, Human Rights and Labor rights. It is indeed an honor for me to be here. It is an honor for all of us to be here on this very important issue.

I have to say, however, that I am disappointed that a representative from the State Department is not here to field questions and inquiries regarding this report. I understand that the previous State Department administration put a rule in place that prohibited anyone from appearing on Capitol Hill in any Committee or Subcommittee if the secretary was to appear that day on Capitol Hill. Therefore, our important work must stop because Secretary Powell is on the Hill in our Full Committee hearing this afternoon.

This rule does a disservice to the work that we do up here on Capitol Hill and we need the input of the State Department on record today. I hope that the new State Department administration will repeal this rule.

So considering the witnesses that we have up here, we will probably end up having a love fest because all of the witnesses are distinguished in their commitment to human rights.

I would be remiss if I did not remind us that it was under the leadership and bipartisan spirit of this Subcommittee that we were successful in our effort to enact legislation requiring the State Department to spend at least \$12 million per year on the Bureau of Democracy, Human Rights and Labor.

As you know, this almost doubled the bureau's budget, but it is still less than  $\frac{1}{2}$  of 1 percent. There is no doubt that the generally high quality of the Bureau of Democracy, Human Rights and Labor's work deserves greater funding and more respect. Although the department has increased DRL's resources over the last few years, it is still inadequately funded.

There can be no doubt that the human rights bureau is grossly undervalued compared to bureaus charged with advancing other concerns. I hope that our new Chairwoman feels similarly, that she and I will work together as we did with the previous Chair to make sure that the human rights bureau is at least authorized and funded adequately.

I would also like to express my appreciation to those people who are not here today who contributed to the production of this report. As we have mentioned before at this annual hearing, sometimes the simple act of human rights reporting is difficult and sometimes it is even dangerous.

This year, the report mentions corporate responsibility, but it does not mention U.S. arms transfers and training. We have laws in place now that require us to focus on the role that U.S. arms play in the violation of human rights abroad and we should have more corporate accountability. Most Americans believe U.S. corporations abroad are bound by U.S. law. As we are all painfully aware, they are not. And, in some cases, they become human rights abusers, too.

We can no longer ignore these two dimensions when we discuss the State Department's annual Human Rights Report and for as long as I am on this Subcommittee we will not.

U.S. arms transfers to human rights abusers including private military activity contracted out by the U.S. Government and corporate responsibility must be included in future reports.

This year's State Department report at times deserves praise for being complete and fair, but in other places, it falls short. We place as much importance on what is not written in these pages as we do on what is written.

This year, then, I think the Colombia report is noteworthy, not only for what it says, but what it omits. The fact that civilian contractors—would that be U.S. mercenaries—working for private U.S. corporations are carrying out a good deal of the U.S. funded cooperation with Colombia's security forces is information that the State and Defense Departments must make public. This trend is

particularly disturbing because it minimizes appropriate congressional oversight and allows for very little transparency.

The extent of this outsourcing, including names of corporations involved and the range of roles they play, is a factor which simply must be reported on in future reports. Already there have been, I think, three U.S. deaths associated with our outsourced military activities in Colombia and there are reports that U.S. personnel are actively involved right now in combat against the FARC.

The American people need to know if our people are fighting in a war in Colombia and we do not need the State Department or the Defense Department hiding behind private military companies masking true U.S. operations on the ground in Colombia.

The report fails to mention that political kidnappings run rampant in Colombia and that the Afro-Colombian community is hardest hit by this. Luis Gilberto Murillo Urrutia, former governor of the El Choco state in Colombia was forced to abandon his political career and seek refuge in the United States following his kidnapping by paramilitaries and threats on his family. He was the youngest person ever to win a gubernatorial election in his country. Now in exile in the United States, he is an outspoken Afro-Colombia advocate for the environment, the rights of ethnic groups and peace in Colombia.

A second case is that of the Honorable Piedad Cordoba Ruiz, exiled Colombian senator. Ms. Cordoba was a powerful Afro-Colombia leader who was being mentioned as a possible president for Colombia. Now, she is living in exile in Canada because she was kidnapped and had her life threatened.

U.S. military education is also not mentioned in this report. We need a simple and transparent set of rules to govern our military education programs.

We simply should not give assistance to governments that murder their own.

This year's Colombia report is rightfully critical of the Colombian military when it states that members of the security forces collaborated with paramilitary groups who had committed abuses. Based on this report, it is clear that providing more weapons would do nothing to quell the violence that currently exists.

I was pleased that one of the neutral peace communities, San Jose de Apartado, was mentioned in the report this year. Afro-Colombians are caught in the middle of a deadly civil war, but I am surprised that they were not specifically mentioned as section 5, discrimination based on social status, human rights violations.

In the case of Sudan, the report accurately points out that the Sudanese government forces pursued a scorched earth policy aimed at removing populations from around the newly built oil pipeline and other production facilities which resulted in deaths and serious injuries. But the report fails to mention where the government gets a significant portion of its funds to develop the oil and hence the capital to militarize. Talisman Energy, a Canadian company, has invested a billion dollars to help the National Islamic Front government of Sudan to develop Sudan's oil reserves. Talisman is traded on the U.S. Stock Exchange, so many of the funds come directly from us.

Clearly, the revenues from developing nations' oil production will be used to buy ever more deadly weapons. The government of Chad purchased arms with its new infusion of oil money, despite a World Bank rule designed to prevent it.

I appreciate the progress that the DRL has made in recognizing and acting on the need to bring corporations and NGOs together in dialogue. The protests in Seattle were about the trade policies that affect everybody, but in which everyone does not get a chance to participate. From Seattle to Washington to Davos to Cancun, people are taking to the streets to demand that multi-national corporations be held accountable for their impact on the environment, the food we eat, human rights and worker rights abroad.

As for the Great Lakes region, this year's report also says that there were unconfirmed reports that Rwandan and Ugandan forces used land mines during the fighting in Kisangani. I wonder what country provided those land mines?

I am deeply disappointed by the Clinton era failures of U.S.-Africa policy, none more devastating than the U.S. policies to support the invasion of the Democratic Republic of Congo by Uganda and Rwanda. Three million innocent Congolese souls are now dead as a result of that dastardly decision. If the U.S. is to play an honest role at all on the continent, it must be as an honest broker. Unfortunately, that has not been the history of the U.S. in past on that continent.

Again, I want to thank our witnesses for being here, I want to thank the State Department Bureau of Democracy, Human Rights and Labor for the effort that they have put into this year's report, and I would also like to acknowledge the many countless worker bees at various levels of the State Department bureaucracy who helped put this document together and, of course, I would be remiss if I did not mention thanking my staff, too, for going through this document with a fine tooth comb and a critical eye.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you so much, Congresswoman McKinney.

And I would like to inform the Members and the panelists that from 2 to 3 some of those worker bees will be with us tomorrow for a State Department briefing for Members and staff only on the Country Reports.

Now I would like to turn to the gentleman who really has molded this Subcommittee to what it is today, the former Chair of our Subcommittee, Congressman Chris Smith.

Thank you, Chris.

For his opening statement.

Mr. SMITH [presiding]. Thank you very much, Chairwoman Ros-Lehtinen. Thank you for your leadership in the past. I cannot think of a more consistent or more dedicated individual who believes in human rights, who believes that it needs to be equally applied to all nations, whether they be friend or foe, than Ileana Ros-Lehtinen.

So it is a distinct privilege to serve on this Committee with you, Ileana, knowing that you have a heart for those who are disenfranchised and dispossessed and especially those who endure suffering and torture by despotic regimes all around the world.

From Castro to Asia, China, to Vietnam, to a host of other countries in the Middle East, you have been a consistent voice on behalf of human rights.

So this Committee could not be in more capable hands than to be in your hands. I congratulate you and look forward to working and following your lead.

I also want to thank my good friend Cynthia McKinney. We serve very well together, I think, as a team. The Embassy Security Act—along with Sam Gejdenson, who was the Full Committee Member, and Chairman Gilman—was a remarkable breakthrough last year, particularly, and just did not get any real focus, unfortunately.

Yes, we focused on beefing up our diplomatic security, providing \$5.9 billion over 5 years, beefing up refugee protection and a host of other disparate measures that pushed the envelope in the area of human rights, but one of those areas, and Mr. Rickard has pointed out again and again how important this is, we went from about \$7 million authorized to \$12 million for human rights personnel and for the bureau.

One of the most important things to recognize is, money is policy. Personnel is policy. If you underweight and underfund a certain bureau, you are going to get an inadequate implementation as well as formation of a policy with regards to human rights. It has always galled me to no end when I have traveled around the world to despotic countries and dictatorships to find a host of people, particularly in China who are dealing with commerce and all kinds of other issues, and then you talk to the single solitary person whose job it is, usually a very low level member of the team, whose portfolio is the human rights portfolio who is outgunned, outmanned, and certainly has a large area to cover.

Hopefully, this is a down payment to at least making our human rights effort on par with what this great nation should be all about. You know, this plus-up only brings us to the point where we are now on par with the public relations apparatus of the State Department. To me, that is almost laughable if it was not so tragic. So I know that the gentlelady will continue that work and, again, it is a pleasure to have her as Chairwoman.

We also have just a few other points. The Religious Freedom Act, as we all know, needs to be implemented and to do so very aggressively. Last week, when Mark was here from the State Department, I and others asked that they be very careful not to double hat the Democracy, Labor and Human Rights Bureau with the Ambassador at Large whose portfolio it is the promotion of religious freedom around the world. Ambassador Seiple has done a great job and hopefully we will not see any diminution by double hatting that individual. I hope that our State Department and certainly Colin Powell will not make that grave mistake.

Let me just say finally on the area of trafficking, we are very concerned about the issue of trafficking. Last year, again, landmark legislation was enacted to throw the book at the traffickers around the world. It also calls for more reporting on the part of our State Department people. We have, for want of a better word, it is not really sanctions, but the capability of withholding non-humanitarian aid to those countries that are engaging in those egregious



practices, whether they be countries of origination, transmitting, or countries that exploit the women within their country.

Finally, just let me say in the Cold War days, there used to be a concern that U.S. authorities shaded the truth about human rights violations by our anti-communist allies. Now, I am afraid almost the opposite is true.

If there is a tendency to fudge, it is about tyrannical regimes with whom the State Department is trying to have a better relationship, such as Vietnam, Laos and the Palestinian Authority. The reports honestly detail most of the facts about these cases, but they juxtapose them with exculpatory and even congratulatory language about economic improvements and other things that are not directly related to human rights.

A casual reader of this year's report about Vietnam, for example, could easily get the impression that this is a government that is basically on the right track, but whose officials occasionally and inexplicably do bad things.

The Country Reports on Human Rights for Vietnam list instances of the government's increasingly harsh treatment of religious believers, including Catholics, protestants and members of the Unified Buddhist Church and Hoa Hao Buddhist Church. It then inexplicably carries over a statement from last year's report to the effect that in some respects, and I quote, "Conditions for religious freedom improved during the year." No specific facts are given to justify that statement.

The report similarly soft pedaled the Hanoi regime's mistreatment of the Montagnard ethnic minorities and its coercive two-child per couple policy. It does not even mention credible reports of government-owned entities that engaged in trafficking of workers into involuntary servitude and bondage.

Finally, let me just say that this hearing, and I would hope that some of our witnesses would comment on that, last week when we had the first hearing of this Subcommittee, I asked Mr. Nathanson and others who were testifying, including the head of Radio Free Asia, whether or not the jamming of Hanoi, which continues unabated of Radio Free Asia, I asked the director of Radio Free Asia how helpful has our Ambassador been in trying to intercede with the Hanoi leadership to stop this despicable jamming. He said he has been totally unhelpful.

That is the kind of wall many of us in the human rights community, I am sure many of you, our distinguished witnesses, have run into time and time again, when it does not suit some other larger geopolitical interest on the part of the government.

So hopefully we will see a change this year and maybe some improvement, but we need to push that envelope.

I would like to recognize Mrs. Napolitano for any opening comments she may have.

Mrs. NAPOLITANO. Thank you so very much, Mr. Smith.

Congressman, this is my first meeting in this Subcommittee and I am very happy to be here. This is new to me. I have been involved in the issues of international trade and hope to learn a lot more about how that can interact and how we can learn from those people that we work with to make things better for all people.

It is just a way of being able to understand better what can happen. What this Committee is involved in, what is learned here, we do not necessarily know on other Committees, nor do we hear as much because we do not get the opportunity to listen to the witnesses, nor have the background to be able to learn and be able to have discourse on these particular human rights issues.

There is much we can do to improve the human rights issues worldwide. There is no question about it. How do we go about it successfully without endangering our people that are doing business or that are defending the country?

We must also keep in mind that to be able to carry forth that agenda the State Department must be funded to the extent that it can do the job that we require it to do. And, as such, I am very eagerly looking forward to listening to what our witnesses have to say and also speaking to State Department representatives, if and when they do come before us, to be able to explain the different agencies, what their role is and how we can better help, whether it is through the budgeting process or be able to reform the agency to do a better job.

We cannot say that it is doing the perfect job that we need it to do because I have no information to deal with it otherwise, but I certainly will look at how they are operating, how their budget allows them to operate, and whether or not we as a Subcommittee can improve the ability for the State Department to carry out its functions.

I appreciate the time that you have given me and I look forward to listening to the witnesses.

Thank you, sir.

Mr. PITTS [presiding]. The Chair thanks the lady.

I would like to say first of all I thank the Chairwoman of this Committee for convening this important hearing on human rights as we begin to develop the State Department budget for a new Administration. And I also thank the panel in advance for their testimony.

During my service in Congress, I have been a strong advocate for human rights around the world, particularly in confronting religious liberty and religious persecution issues. I have worked closely with many of your organizations over the years and I highly respect and appreciate the work that you do.

The United States is the leader of the free world and as we enter a new century, one of globalization, we must not turn away from this responsibility. The U.S. must play a key role in advancing freedom and the rule of law, engaging those countries where persecution and human rights violations run rampant.

The State Department Country Reports speak for themselves. It is incumbent on the United States to seek an end to persecution in Sudan, Indonesia, China, Burma, Western Sahara, Kashmir, the list goes on. But I look forward to working with the Subcommittee, with the State Department, with your organizations present here today and the others who are so active, to craft a clear and consistent State Department road map and budget that renews our commitment to freedom around the world.

At this time, we are going to recess the hearing until the Chair-lady returns from voting. The rest of us have to go vote, so we are in recess at this time.

[Recess.]

Ms. ROS-LEHTINEN. The Subcommittee will again be in session.

Our first witness will be Carlos Salinas, Acting Director for Government Relations for the Washington office of Amnesty International USA.

Mr. Salinas has been involved with Amnesty International USA since 1985 and has worked with the Washington office since May 1991. Prior to his current position, he served as an advocacy director for Latin America and the Caribbean, traveling to various countries in the region to investigate human rights violations.

Thank you so much, Mr. Salinas, for being with us.

We will then hear from Elisa Massimino, a frequent guest of this Subcommittee, who is the director of the Washington office of the Lawyers Committee for Human Rights.

In this capacity, she is responsible for advancing all aspects of the Lawyers Committee's human rights agenda and Ms. Massimino teaches international human rights law at the University of Virginia Law School and has taught refugee and asylum law at the National Law Center of George Washington University.

She is frequently sought after for comments and recommendations on proposed legislation affecting U.S. compliance with international standards of human rights protection.

Thank you so much, Elisa, for being with us.

She will be followed by Paul Marshall, Senior Fellow at the Center for Religious Freedom of Freedom House in Washington, DC.

Paul has lectured at the U.S. State Department, the Helsinki Commission, and throughout the world on human rights issues.

Mr. Marshall is the author of "Their Blood Cries Out," described in speeches introducing the International Religious Freedom Act and in the U.S. Senate as a powerful and persuasive analysis that simply cannot be ignored.

He is the author and editor of numerous other books and publications, including "Religious Freedom in the World: A Global Survey of Freedom and Persecution."

We thank Mr. Marshall for joining us today.

After that will be William Hartung, President's Fellow at the World Policy Institute at the New School.

Mr. Hartung directs the Institute's Arms Trade Resource Center, which provides the media, policy makers and the public with timely research and information on the issues of global weapons proliferation.

Mr. Hartung is the author of "And Weapons For All," a critique of U.S. arms sales policies from the Nixon through Clinton Administrations.

Thank you, Mr. Hartung, for being with us.

Tying the issue of arms sales, human rights, State Department budgeting and resources with legislative recommendations will be Mr. Steve Rickard, who serves as a director of the Robert F. Kennedy Memorial Center for Human Rights.

Mr. Rickard has served as director of the Washington office of Amnesty International USA, Senior Advisor for South Asian Affairs

at the State Department, Senior Foreign Policy Advisor to Senator Daniel Patrick Moynihan, and as a member of the profession staff of the Senate Foreign Relations Committee.

We welcome you here today.

And lastly, we have the opportunity to hear the testimony of Catharin Dalpino, who is the Deputy Director of the Center for Northeast Asian Policy Studies and fellow, foreign policy studies, at the Brookings Institution.

She is a professional lecturer at the School of Advanced International Studies of Johns Hopkins University and adjunct professor at Georgetown University and George Washington University.

Ms. Dalpino served as Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor; was a former career officer at the Asia Foundation; a former resident associate at the Carnegie Endowment; and a former policy analyst at the World Bank.

Quite an impressive set of credentials for our panelists today and we thank all of you for being here with us and we look forward to your testimony.

We will begin with Mr. Salinas, the Acting Director of Government Relations with Amnesty International.

Mr. Salinas.

Your entire statements will be made part of the record, so please feel free to summarize for us.

Thank you so much.

#### **STATEMENT OF CARLOS SALINAS, ACTING DIRECTOR FOR GOVERNMENT RELATIONS, AMNESTY INTERNATIONAL USA**

Mr. SALINAS. Thank you, Madam Chair. First of all, let me offer our congratulations on being Chairwoman of the Subcommittee on International Operations and Human Rights. We look very much forward to working with you, as well as with the other Members, and we offer a special welcome also to the new Members of the Subcommittee.

Madam Chair, Ranking Member, Members of the Committee, it is Amnesty International's pleasure to help assess the State Department Country Reports. We welcome the opportunity to present our views and we appreciate your leadership in this yearly review.

I would like thank you in Congress for helping us secure the release of Peruvian student Mirtha Bueno Hidalgo and Turkish human rights activist Esber Yagmurdereli. Many others remain imprisoned unjustly, however, including Mexican Brigadier General Jose Gallardo, Mexican environmentalists Rodolfo Montiel and Teodoro Cabrera, Chinese student Chen Yanbin and the Chinese businesswoman Rebiya Kadeer. They need to be released and we will need your help.

We will also need your support for getting full funding for the Torture Victims Relief Act and its reauthorization, for ensuring passage of the Clean Diamonds Act, for ensuring enactment of international right to know legislation on U.S. corporations abroad, including supporting the Truth Act, and for ensuring passage of both the Innocence Protection Act as well as the National Death Penalty Moratorium Act of 2001.

We also urge Members of this body to support H.Res. 18 introduced by Congresswoman Woolsey which supports ratification of CEDAW and we look forward to your support for the Human Rights Information Act.

For many years, the accuracy and breadth of the Country Reports has improved and while we continue to have some discrepancies with how the information is presented, we generally find the reports to be a useful contribution to human rights work.

One developing area where we have seen improvement is in reporting abuses against sexual minorities. We would recommend that these cases be treated as all other human rights cases.

When we prepared this testimony, we looked for human rights quotes by the Secretary of State, but could find no such quotes in any of his statements. We believe this omission needs to be addressed and we hope our search of the State Department's website has not been an adequate one. But such rhetorical corrections are not nearly as important as systemic changes.

In the past 2 years, we have made six recommendations which can ensure that human rights work is more thoroughly integrated and obviously the previous Subcommittee undertook some of those recommendations. We believe that the Human Rights Investment Act can go a long way in ensuring that some of these changes occur.

Per your request, I will focus on 10 countries.

On Burma, the report is comprehensive and accurate. Last year, we criticized the report for failure to mention the Burmese army's "four cuts" counter-insurgency program and this year's is no different. U.S. policy needs to stay the course and keep up the human rights pressure.

On Colombia, the drafters appear to so far have been successful in resisting pressure to gloss over the connection between paramilitary groups and the regular security forces. This relationship underscores an inconvenient reality: Paramilitary groups are involved in drug trafficking. Thus, we are giving taxpayer-funded helicopters, equipment and specialized training to an institution that is closely allied to drug traffickers, all in the name of fighting drugs!

We will say it again: U.S. efforts in Colombia will generate a human rights and humanitarian catastrophe, while supporting the Colombian army with taxpayer funds is tantamount to underwriting the paramilitary death squads.

In addition to fudging some numbers on arrests of paramilitaries, disregarding basic facts about recent reforms, publishing unsubstantiated assertions by the Colombian Defense Ministry and coming dangerously close to being an apologist for the paramilitaries, the report omits any reference to a declaration by a Colombian official in Puerto Asis, Putumayo, ground zero for the U.S. war effort. In this declaration, he denounces links between the paramilitary groups and the local security forces.

We ask that the statement be included for the record. That such a denunciation is omitted is disquieting at best.

Luckily, there are vigilant Members of this body. Congresswoman Schakowsky initiated a sign-on letter during the last lame duck session concerning possible U.S. Government links to para-

military groups. This issue needs to be properly investigated and we believe you in Congress have an important role to play.

On Cuba, although we have been told that illegal exit from the country (*salida ilegal del pais*) has been decriminalized and now results only in fines, this is clearly not true. The recent Cuban legislation on human smuggling carries much stiffer sentences and people arriving in Miami by boat continually report that they were recently jailed for *salida ilegal*. More information is needed on how these laws are being applied.

The Cuba-U.S. migration agreements state that those picked up at sea by the U.S. Coast Guard will be taken back and the Cuban government apparently agrees that there will be no retaliation against those who are. But people who are returned do lose jobs or are demoted or are harassed upon return or, as some reports indicate, are imprisoned.

On the Democratic Republic of Congo, we believe it is a strong report that should be used to shape policy. Recent developments, including the announced partial withdrawal of some Rwandan and Ugandan troops, is promising. However, achieving a lasting resolution to the conflict will require a real focus on human rights and the rule of law.

On China, the report appears to depend mostly on information from NGOs and little appears to be from its own sources. Since China does not allow international human rights groups in, while the Administration has an embassy staff inside of China, it would stand to reason that the Administration should obtain independent information on their own without having to cite other sources.

On Haiti, in general, the report presents all information as though it were proven, when in numerous cases what they are actually citing are unproven allegations. Ambiguous language potentially distorts the picture, making it seem more violent, politicized or deliberate than is really the case. The report reads as more negative than is warranted by the situation.

On Israel, first, the section on trafficking of women for purposes of prostitution was very thorough and comprehensive. We applaud that. However, this cannot be said about its discussion of political prisoners.

With regards to extrajudicial executions, the report states that the Israeli government said that it only targeted persons against whom it had overwhelming evidence and only with the authorization of senior political leaders. The report does not state what the U.S. Government's position is on these killings.

Since there have been reports that U.S.-made weapons and equipment have been used in carrying out these killings, clarification is needed to determine whether U.S. law on transfer of weapons has been violated.

The most blatant example of obfuscation is on the killing of 12-year-old Muhammad al-Dura, whose killing was captured on video. The report mentions the IDF investigation, but neglects to mention that the so-called investigation was completely discredited. The investigation was initiated by two civilian volunteers with no experience in ballistics or rules of engagement, who approach the IDF with a theory that the killing of al-Dura was staged by Palestinians, including his father, who they claim were working with the

French TV crew whose videotape was seen worldwide. Even the Israeli chief of staff, Shaul Mofaz, disassociated himself from this investigation.

Congress should ask how such blatantly misleading information was allowed to stay in the report.

On Iran, the report is accurate and comprehensive. While there are some minor errors, this is an especially good report when one considers that there is no U.S. embassy in Iran and the human rights reporting relies on outside sources.

On Sudan, the report is balanced and comprehensive, accurately describing the terrible violations of human rights. However, the report fails to detail the link between oil and human rights violations, nor does the report adequately address the bombing and scorched earth attacks.

And, finally, on Vietnam, the report outlines major shortcomings in Vietnam's human rights situation, but also downplays systemic abuses and denials of fundamental freedoms.

I look forward to trying to answer your questions and we have information on at least 25 other countries in our written testimony, as well as much more detail on these 10.

[The prepared statement of Mr. Salinas follows:]

PREPARED STATEMENT OF CARLOS SALINAS, ACTING DIRECTOR FOR GOVERNMENT  
RELATIONS, AMNESTY INTERNATIONAL USA<sup>1</sup>

#### INTRODUCTION

Madam Chair, Members of the Committee, it is Amnesty International USA's pleasure to help you assess the State Department's *Country Reports on Human Rights Practices for the Year 2000*. We welcome the opportunity to present you with our views and we appreciate your leadership in this yearly review and many other important human rights matters. I would like to ask that our full written statement be included for the record.

Before I launch into the discussion of the Report and its implications for U.S. foreign policy, I would like to highlight Amnesty International USA's legislative priorities. They are as follows:

- To get full funding for the Torture Victims Relief Act as well as a reauthorization ensuring increased funding for this important endeavor.
- To ensure that any torturers living in the United States are prosecuted to the fullest extent of the law.
- To ensure passage of the Clean Diamonds Act, a bill soon to be introduced by Representatives Hall, Wolf, and McKinney.
- To ensure the enactment of some form of international transparency legislation on corporations abroad. We will support the recently-introduced McKinney TRUTH Act and look forward to working closely with the Ranking Member on H.R. 460.
- To get passage of both the Innocence Protection Act, introduced today by Senators Smith, Collins and Leahy and Representatives Delahunt and LaHood; as well as the National Death Penalty Moratorium Act of 2001, S. 233, introduced by Senator Feingold.

We will continue to urge the U.S. Senate to ratify the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)—indeed we urge members of the House to support H.RES. 18 introduced by Congresswoman Woolsey.

We will also support the Human Rights Information Act, a bill to establish an orderly and expedited process to declassify human rights information, and we hope the Chair of the Government Reform Committee will see this bill fit for a mark-up in this session.

With regards to other legislative priorities that I mentioned before this same body last year, I am happy to report that not only did we achieve the goal of getting a

<sup>1</sup>For the errata to this statement, see the appendix.

simple majority in the House becoming members of the Congressional Human Rights Caucus, but that the Caucus reached its largest membership since its founding in 1983!

Many members of Congress supported Amnesty International USA's Special Focus cases of individuals. Two of them were released, Peruvian student *Mirtha Bueno Hidalgo*, imprisoned for alleged links to an armed opposition group (the so-called evidence against her was "subversive" literature which turned out to be her class notes), and Turkish human rights activist *Esber Yagmurdereli*, imprisoned for advocating for the rights of the Kurdish population.

Unfortunately, others remain in prison, including *Mexican Brigadier General José Gallardo*, imprisoned for highlighting human rights violations perpetrated by the Mexican Army and publicly calling for an ombudsman for the armed forces. There are two other prisoners in Mexico whose release we have called for and has been supported by many members of this House, Rodolfo Montiel and Teodoro Cabrera.

Another prisoner on whose behalf we have focused attention and remain imprisoned are Chinese student *Chen Yanbin*, imprisoned at the age of 23 for distributing a pamphlet that called for democracy and denounced the 1989 Tiananmen Square massacre by Chinese troops, and Rebiya Kadeer, a businesswoman imprisoned for trying to meet with the Congressional Research Service. They need to be immediately and unconditionally released.

#### A POSITIVE RECORD

For many years the accuracy and breadth of the country reports has been improving, so much so that they currently stand as the most comprehensive reports on human rights in the world. While we continue to have some discrepancies with how the information is presented and sometimes with what is or is not presented, we generally find the reports to be a fairly faithful reflection of the facts as we know them. In this testimony, we can offer some preliminary observations.

Coverage of abuses against sexual minorities improved notably for a number of countries, including Brazil, El Salvador, and Saudi Arabia. Many reports, however, omitted credible information regarding serious abuses against Lesbian, Gay, Bisexual, and/or Transgendered persons. Coverage in South Asia and in Africa—where such violations have apparently intensified in recent years—was poor.

Where abuses were included in the country reports, they were typically described as isolated occurrences; as in previous years, reports failed to discuss the social contexts in which persecution of sexual minorities occurred. The State Department should approach human rights violations against lesbian, gay, bisexual, transgender people in the same way it would approach coverage and analysis of all other violations based on a person's identity.

As we evaluate the country entries, we note the continuing failure to report events in the State Department's own voice. This is a missed opportunity: it is the chance for the United States government to state what it knows to be true. When the Acting Assistant Secretary for Democracy, Human Rights, and Labor presented this report to the world on February 26, he noted that ". . . the reports are not just history. They are documents backed by the full weight of the U.S. people and Government. They speak for those who have no voice, bearing witness for those who have not had access to free trials, nor have enjoyed other fundamental human rights and protections. As the reports have done since their first appearance in March 1977, they represent the nation's commitment to respect for universal human rights and its interest in promoting these rights in every country of the world. The reports are a tangible manifestation of the Department of State's intense focus on human rights issues." We believe this is a vision that needs to be embraced.

A key to this is ensuring that all spin is eliminated and that the Department speak in its own voice. If more resources are needed to follow-up on allegations of human rights violations, especially as they are relevant for the purposes of implementing the Leahy Law and to ensuring the best possible End Use monitoring, they should be allocated.

When we prepared this testimony, we began looking for quotes by the Secretary of State about human rights. While we could find such quotes when he was asked about human rights, whether by the media or by Members of Congress, we could not find any statements the Secretary initiated that even mention the term "human rights"! We believe this omission needs to be addressed and we hope our search, through the State Department's website, has not been an adequate one. We attach in continuation a letter we signed-on from all of the directors of major human rights organizations in the United States addressed to the Secretary that outline some of our key issues.



## PRIOR YEARS' RECOMMENDATIONS

In the previous two years, Amnesty International USA has made several recommendations of a general and systemic nature. For the record, I would note that these recommendations which we still support are the following:

- Give the Human Rights Bureau at least 1 percent of the State Department budget.  
As Secretary Powell negotiates an increase in the Department's budget, we need to ensure that the Bureau receives such a level of support, and that such a level is not undercut through attributing to this Bureau's budget items that were not previously considered part of its budget.
- Use one percent of all U.S. security assistance for end-use monitoring.  
We support the soon-to-be-introduced Human Rights Investment Act. The idea is that one penny on every dollar spent on military aid needs to be spent on monitoring, to ensure taxpayer funds do not go to torturers, and to ensure that tax-dollars do not get wasted.
- Create a formal process involving NGOs to review Leahy Law implementation.  
We still believe this is a good idea and we hope Secretary Powell agrees.
- Evaluate the quality of human rights reporting from the country missions.  
This should happen as part of ensuring this task is taken seriously.
- Hire additional non-career assistants with human rights expertise for the Bureau.
- Ensure that every promotion panel convened by the State Department includes someone outside of government with human rights expertise.

We believe progress on the above systemic suggestions can ensure that the work of human rights is more thoroughly integrated into the work of State Department officials.

## TEN COUNTRIES

You have asked us to focus on ten countries of concern to the Subcommittee. The countries are Burma, China, Colombia, Democratic Republic of Congo, Cuba, Haiti, Iran, Israel, Sudan, and Vietnam. Following this analysis, we will also present an analysis of the country reports on several other countries.

**BURMA:** The Report is comprehensive and accurate. Last year we criticized the Burma Report for failure to mention the Burmese army's "four cuts" counter-insurgency program which includes the establishment of "free fire zones." This year's Report also neglects to mention it.

While not identifying it as an example of the "four cuts" counterinsurgency, the Report does mention one incident of the killing of villagers in a free fire zone. This is classic counterinsurgency: the army decides to "liberate" a certain area. They surround the area, then sweep through it. All civilians are ordered to leave their villages and fields, and are trucked or marched to a new area many miles away in a previously secured or "liberated" area. All rice stores are confiscated and what is not confiscated is destroyed. If a particular village is deemed pro-guerilla, its structures may be burned down. The new areas where the displaced persons are ordered to stay usually have no buildings or other facilities and the people are forced to live in the open. Often the government supplies them with no food, potable water, or medical care. No one is allowed to go back to the area which has just been swept. Anyone who ventures back to his/her village is liable to be shot on sight since the area has been designated a free fire zone. The area may remain so designated for weeks, months, or in some cases, indefinitely. The "four cuts" are an established counter-insurgency military doctrine for cutting off, rather, the guerillas from the people, food and supplies, shelter and sanctuary. While this approach has been a big factor in government victories over many of the indigenous rebel forces, it sets the stage for extra-judicial killing, torture and cruel, inhuman, or degrading treatment and punishment, including the rape of women and girls, which seems to be tacitly, if not expressly, approved by the commanders of the army units. The use of civilians for forced portering for the army is an associated practice which is mentioned in the report. The Report covers a lot of the specific violations committed by the army in the areas of conflict, but it neglects the "four cuts" doctrine which provides the rationale for and is the backdrop to many of those violations.

**CHINA:** The Report is accurate and forthright, which should help give the Administration some leverage when it again introduces a resolution on China at the United Nations Human Rights Commission.

Even though we are pleased with the China country entry, we would like to point out some concerns: The statement that the government intensified its campaign against Falun Gong, which it accused in October of being a reactionary organization is not quite right. The National People's Congress passed legislation declaring the Falun Gong a "wicked cult" Xiejiao, a term with great resonance in Chinese history. Also missing are comments on the Falun Gong situation in Hong Kong under its basic Law.

When Hong Kong became part of China, it was agreed that China would allow Hong Kong to keep its legal system, including freedom of press, association etc, making it possible for organizations that face harsh treatment in China to freely operate in Hong Kong. This is called "one country two systems." Indeed Amnesty International has an office in Hong Kong that operates freely.

Even though Hong Kong authorities tolerated activities of other organizations, they are making strong statements about Falun Gong. The growing pressure on Falun Gong in Hong Kong should have been part of the Report to protect the rights of Falun Gong members and to deter any erosion of the "one country two systems" principle.

For the most part, the report depends on information from NGOs, but appears to have little from its own source. China does not allow international human rights groups into the country, while the Administration has an Embassy staff with diplomatic immunity inside China. Given this reality it seems that the Administration should have obtained independent information on their own without having to cite other sources.

China, as the most populated country in the world with serious human rights problems, needs to have additional embassy officials tasked specifically with monitoring and documenting human rights violations.

We would like to bring to your attention the newly created China Human Rights Commission, which came into effect as a result of the Levin-Bereuter amendment to the China Permanent Normal Trade Relations bill. The Commission should receive adequate funding as well as political support from Congress and the Administration.

**COLOMBIA:** This Report generally reflects the reality of the human rights situation and its drafters appear to so far have been successful in resisting pressure to gloss over the very real and amply documented current connection between the paramilitary groups and the regular security forces, in particular the Colombian Army. We could only imagine that the pressure will increase because this relationship underscores a very inconvenient reality for would-be drug warriors who support US military efforts in Colombia: the paramilitary groups are involved in drug trafficking, as the DEA has attested on numerous occasions. Thus it is quite ironic that the US government is giving taxpayer-funded helicopters and specialized training to an institution that is closely allied to drug traffickers, all in the name of fighting drugs! In any case, there are a few items we would like to highlight.

The Report fails to distinguish between the Attorney General's office's (*Fiscalia*) captures of members of paramilitary groups and those captured by the armed forces, simply reproducing information from the Colombian Ministry of Defense which misleadingly suggests the security forces have captured 315 paramilitary members. The vast majority of those captures were carried out by the Attorney General's office despite lack of collaboration from security forces, not because of it. Indeed, the military is explicitly and purposefully excluded from taking part. Again and again, when the military has been included in such operations, the paramilitaries happen to find out about it in advance and the operation is unsuccessful.

The Report also reproduces unsubstantiated military information when it states that Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) combatants "killed as many as 200 children during the year". The FARC are accused of using sulphuric acid in gas canister attacks; however, we have seen no evidence to support this allegation and wonder whether this is an unsubstantiated military report.

Regarding the problem of impunity, the Report fails to mention that the new military penal code does not specifically exclude extrajudicial executions from military jurisdiction and is, therefore, not totally compatible with a 1997 constitutional court ruling which excludes all serious human rights violations. This omission reflects the disagreement between non-governmental organizations and the State Department when engaged in discussions on the human rights certification process. The Report also states that the transfer of 1136 cases to the civilian judicial system is evidence of "increased willingness on part of military" to accept civilian jurisdiction. In the same paragraph however it reports that "the military judiciary during the year found 122 members guilty of violating human or fundamental rights", but it fails to point out the obvious contradiction between the military claiming to be pros-

ecuting human rights offences, and its unwillingness to accept the jurisdiction of civilian justice.

The discussion about the origins of paramilitary groups comes dangerously close to being apologist: it totally ignores the fact that the paramilitary are not “defensive” organizations but offensive, military aggressors against the civilian population and appears to justify their existence as a legitimate if not legal expression of rural insecurity. This would appear to prepare the path for wider acceptance of paramilitary groups. Indeed, paramilitary violations of international humanitarian law are presented as specific instances, in marked contrast to the paragraphs on the armed opposition where they are accused on systematic and routine practices of violations. The fact is that the latter is true for both organizations.

An important omission is any reference to the declaration by the Municipal Ombudsman for Human Rights for Puerto Asis, Putumayo. In this declaration, he denounces links between the paramilitary groups and the local security forces, and we append a translation for the record. It is significant that an official Colombian government source denouncing such links at ground zero for US efforts in Colombia is ignored while other quite questionable data is included. We will say it again: U.S. efforts in Colombia will generate a human rights and humanitarian catastrophe, while supporting the Colombian Army with taxpayer funds is tantamount to underwriting the paramilitary death squads.

The paramilitary dimension is one that clearly needs more discussion. Recently, Director of Central Intelligence George Tenet made the astounding assertion to the Senate Select Intelligence Committee that he did not know if there were current links between the Colombian security forces and the paramilitary groups. He clearly needs to read this and last year’s Report, despite the weaknesses we have highlighted. Additionally there is a wealth of information available, from the United Nations High Commissioner for Human Rights, the Organization of American States’s Inter-American Commission on Human Rights, the Colombian government’s own Attorney General’s office, as well as national and international NGOs.

Despite the abundance of information, there are many other areas that need to be explored, highlighted in recent articles by the *Nuevo Herald* and the *Philadelphia Inquirer*. Congresswoman Schakowsky initiated a sign-on letter during the lame duck session concerning possible U.S. government links to paramilitary groups. This issue needs to be properly investigated and Congress has an important role to play. At the very least, statements for the record need to be made by various parts of the foreign policy, defense, and intelligence establishments reminding all employees and contractors that paramilitary groups are a key part of the problem in Colombia. This memorandum by all relevant US agency heads should also state for the record that these paramilitary groups should not be supported in any way, shape, or form; that any such activity should be immediately reported to the relevant supervisor as well as the Committees on International Relations and Foreign Relations; and that the US government’s only involvement with these groups needs to be such that bolsters any and all efforts to dismantle them, prosecute their members, and to isolate their allies and apologists from any kind of support.

**CUBA:** This is a clear and accurate report with a couple of omissions.

Although we have been told that “Illegal Exit from the Country” (*Salida Ilegal del Pais-SIP*) has been decriminalized and now results only in fines, this is clearly not true. The recent Cuban legislation on human smuggling carries much stiffer sentences and “boat people” arriving in Miami continue to report that they were recently jailed for SIP. Also, what constitutes the line between SIP and human smuggling is not clear. Therefore, all rafters are subject to smuggling charges if there are any non-family members aboard. This is a troublesome area where the US government should be more explicit about the scope and context. Many people are still fleeing via informal group efforts but a new image of organized smuggling has replaced the prior view of the rafter on an inner-tube.

Between 1975 and 1994, 40 to 50% of the people who came illegally by water did so through planned, small group efforts in small boats (3% were smuggling operations and the rest were people who set off unprepared in anything that would float). Distinguishing the planned social networks from traffickers is not easy. How the Cuban laws are being applied at this point is important to know.

The Cuba/US migration agreements state that those picked up at sea by the US Coast Guard will be taken back to Cuba (unless they ask for asylum on political grounds in which case they go to Guantanamo Bay, some of who in turn are then “retailed” to South American countries with a U. S. subsidy paid to the receiving country) and the Cuban government agrees that there will be no retaliation against those who are returned (e.g., no charges of SIP filed, no loss of employment, housing, etc.). Nonetheless, the US Coast Guard continues to take people to Nassau where they are jailed and then those who can must pay to “escape.” There were doz-

ens of such “escapees” that arrived in Miami during the past summer. The Bahamian government had no organized procedure for assessing the claims of these refugees and did not respond to pressure from the UN, NGO’s, or families to take claims and/or to relocate the Cubans to 3rd countries. Periodically the Cuban government sends a plane to pick these people up in Nassau and take them back to Cuba where they are detained at least temporarily. People who are returned do lose jobs or are demoted or are harassed upon return.

**DEMOCRATIC REPUBLIC OF CONGO:** This is a strong report that names names, blames the people who ought to be blamed, and identifies both the political and cultural sources of human rights problems in the Congo.

While the Report is solid, U.S. policy to the Congo is not. The Administration has continued to handle Rwanda’s incursion into the Congo as necessary to Rwanda’s security, and it has allowed Rwanda to get away with blaming Congolese rebels for all the atrocities in zones controlled jointly by Rwandan and the *Rassemblement Congolais pour la Democratie* (RCD) forces. On the other hand, the U.S. has also been unwilling to put full pressure on the Kabila government to stop obstructing implementation of the Lusaka Accords. The war, which has cost 1.7 million lives as the report notes, continues to be the overwhelming human rights problem.

Recent developments in the region, including the announced partial withdrawal of some Rwandan and Ugandan troops, is promising. However, achieving a lasting resolution to the conflict will require implementing policies that focus on human rights and the rule of law as opposed to relegating them to the pages of the State Department’s annual human rights report. Increased U.S. assistance to civil society to continue to monitor and promote respect for human rights will be critical as will continued pressure on the Kabila regime to investigate past abuses by the security forces and to itself respect fundamental rights such as free expression, association and assembly, among others. Further, the abuses committed by the armed forces of Rwanda, Uganda, Burundi, and Zimbabwe must be investigated and individuals found to be guilty of committing human rights must be brought to justice.

**HAITI:** In general, the Report presents all information as though it were proven, when in numerous cases what they are actually citing are unproven allegations—or at least allegations that, for its part, Amnesty International has not been able to satisfactorily confirm. It also in places uses language that is not very measured or accurate. This potentially distorts the picture, making it seem more violent, politicized, or deliberate than is really the case. Similarly, the Report does not give analysis of the context, which would be important to accurately interpret the list of violations and problems they mention. In one example, it offers inadequate space to the constraints facing the institutions (police, judiciary, prisons), which are the reasons why they don’t function as they should; even more importantly, there is not an accurate reflection of efforts that they are making to function correctly. The Report reads as more negative than is warranted by the situation.

The Report says the Government’s human rights record is “generally poor,” characterized by “serious abuses and shortcomings in oversight.” There is inadequate explanation of what these terms mean or how they are justified. In the introduction and elsewhere, the Report gives much weight to the dispute around the vote-tallying of May election results, which caused a rift between Haiti and much of the international community, including the U.S. government.

The Report appears to use a very broad definition of extra-judicial execution. Hence the Report lumps together extra-judicial executions by Amnesty’s standards, (saying that there is no evidence of extra-judicial executions by the Haitian National Police); “popular justice” killings and lynchings; and killings of public or political figures by unknown perpetrators. One of the latter type of killings, that of Merilus Deus, was investigated by Amnesty International in the remote area of the Lower Plateau where the man lived. He was an opposition candidate, but all of our sources said that the circumstances of his death were criminal, not political. This misuse of the “extrajudicial” label is confusing at best—at times it can be misleading, indicating official involvement in activities when there may well be no objective evidence for it. In the discussion of the killing of Jean Dominique, a crucial event this year, there is next to no analysis of the event itself or investigation of its ramifications. Instead, the Report reads very much like a laundry list.

Though the Report calls torture “pervasive” in Haiti, Amnesty International does not have the grounds on which to make this statement. What the Report calls government repression of free speech is not strictly governmental—it is most often anonymous or at most linked to political partisans of the same party as the government. It is, however, not the same as overt official repression.

**IRAN:** The Report on Iran covering the year 2000 is accurate and comprehensive. While there are some minor errors (e.g. the spelling of one name, the number of accused in one trial), this is an especially good report when one considers that there

is no U.S. embassy in Iran and that the human rights reporting relies on outside sources, including the United Nation's Special Rapporteur on Iran. The delicate balance in Iran needs to be carefully monitored.

The Report however continues to exclude evidence of Iran's systemic and extreme punishments for homosexuality, which have led to the absence of homosexuals and bisexuals from public life. As in the past, human rights violations against sexual minorities were not described in a separate subtopic, as with abuses targeting religious minorities or women. One incident of an execution on charges of homosexuality and religious practices was reported in the section on "Freedom of Religion."

*ISRAEL:* First, the section of the report on Israel on the trafficking of women for purposes of prostitution was thorough and comprehensive.

However, there are several concerns we have with the report.

The Report states that in Israel "There were no reports of political prisoners." The same report, however states that "The number of administrative detainees (held without charge or trial) was between 10 and 15 at year's end, including one Israeli Arab (see Section 1.d.)." Administrative detainees are by definition political prisoners, since they are being held without charge or trial. If the Israeli government has evidence against them that they have committed an offense, they should be tried and the evidence against them presented. The fact that they are held without even the charges against them made known would seem to indicate that they are being held because of their political views or membership, not because of committing a crime.

With regards to extrajudicial executions, the Report states:

"Israeli Defense Force [IDF] soldiers targeted for killing a number of Palestinians during the year. A senior Israeli official stated to the domestic press that the IDF deliberately targeted 10 Palestinians since the beginning of the "al-Aqsa Intifada." According to the IDF, the targeted persons were [Palestinian Authority—PA] security officers or Fatah's Tanzim who previously had attacked or were planning future attacks on Israeli settlements or military targets.

The Israeli Government stated that it only targeted persons against whom it had overwhelming evidence and only with the authorization of senior political leaders. PA officials and some human rights organizations claimed that a number of the targeted persons were not involved in the ongoing violence. IDF forces also killed 6 Palestinian bystanders and injured over a dozen others during these incidents (see Section 1.c.)."

While the Report goes on to list several cases, with both the Israeli government's position and those of the PA and human rights groups, it does not state whether or not the U.S. government considers these killings to be extrajudicial executions or not. This clarification is especially important in light of the fact that there have been reports that U.S.-made weapons have been used in carrying out these killings. For example the Report states:

"On November 9, Israeli helicopters fired rockets at a car in Beit Sahour, killing Hussein Mohamed Salim Ubayyat, a Fatah official. Two Palestinian women walking on the road nearby were killed and seven other civilian bystanders were injured in the attack (see Section 1.c.). An IDF spokesman later announced that Ubayyat had been targeted because of his prior involvement in a number of attacks against Israeli military and civilian targets."

Since the helicopters involved were supplied to Israel by the U.S. government, clarification on this issue is important to determine whether U.S. law on transfer of weapons has in fact been violated.

While we appreciate that allowing governments to state their positions and views has its merits, even a cursory analysis of the report shows that the section on Israel permits the government much leeway with their claims. For example, the Israeli government's claim that its actions are made necessary for reasons of security is used to justify everything from destroying agricultural infrastructure to blocking ambulances to the killing of innocent bystanders with no attempt by the Report to verify or refute the veracity of what the government is claiming. Often, our documentation and that of other human rights organizations has shown that these actions cannot be justified by reasons of security.

The most blatant example of the Israeli governments claims going unchallenged is in the section of the report on the killing of Muhammad al-Dura, whose death is probably one of the most vivid images of the current conflict.

The Report states:

"Many observers stated that the boy was killed by IDF fire; however, the IDF conducted an investigation and reported that it was not clear whether it was Israeli or Palestinian gunfire that killed al-Dura."

What the Report does not say is that the IDF "investigation" was completely discredited. The "investigation" was initiated by two civilian volunteers with no experi-

ence in ballistics or rules of engagement who approached the IDF with the theory that the killing of al-Dura was staged by Palestinians, including Muhammad's father, who they claim were working with the French-TV crew whose videotape was seen worldwide. One of the civilian investigators, Nahum Shahaf, also claims to have photographic evidence that the wrong man is being held for killing Yitzhak Rabin. Even Israeli Chief of Staff Shaul Mofaz disassociated himself from the investigation. The Report should not give legitimacy to such claims, and Congress should ask how such blatantly misleading information was allowed to stay in the Report.

*SUDAN:* Overall, the Report is balanced and comprehensive, giving a fair overview of the current situation in Sudan. It accurately describes the terrible violations of human rights committed by the government of Sudan and the National Islamic Front (NIF), but it also does not spare the Sudan People's Liberation Army (SPLA) and other southern rebel groups. The report could be strengthened by a broader perspective on the worsening plight of the southern Sudanese as the Khartoum regime has gained financing from the exploitation of oil fields in the south.

The report fails to detail the link connecting control of Sudan's oilfields and oil production with human-rights abuse by the military forces supportive of the government and those of opposition groups. The report fails to emphasize the role of oil revenue in shifting military power in favor of the Khartoum regime, which is focusing armed efforts on oilfields and the pipeline that are mostly situated in the south. Similarly, the report overlooks the magnitude with which the government uses oil

trials fall short of international standards and once in detention, they are often denied adequate medical care.

The Report fails to mention another government decree, 89/CP, that authorizes local level police and military units to set up temporary detention centers. This decree was passed following the widespread peasant protests in Thai Binh province in 1997–1998 in which 2,000 police officers were needed to quell the unrest. Although not covered in the Report, this decree is currently being used in the government's attempt to put down the unrest by the ethnic minorities in the central highlands.

While there was an overall decrease in the number of arrests or detention of political dissidents, there was a sharp rise in the number of religious leaders who were detained, arrested, or forced into internal exile. While the government has relaxed its reins on the worship of individual practitioners, the government has continued to clamp down and prevent the spread of autonomous religious activity. Whereby some look to the 1999 recognition of the Hoa Hao church and the 2001 recognition of the Protestant church as positive developments, the regime recognized these two religions in a way that they could be brought under control.

The Report also notes that Vietnam lacks fundamental press freedom but does not note that in the past year there has been a crackdown on the press in the run-up to the 9th National Congress of the Vietnam Communist Party. The new press law incorporates the concept of libel, though it is not clearly defined. Libel has been used throughout the region to curb dissent in the press. The press law remains ambivalent with broad undefined provisions that cover national security and sedition.

#### SPECIFIC COUNTRY CONCERNS

In continuation we present a preliminary set of observations on several countries.

##### THE BALKANS

- *Albania*: The Report was comprehensive and unbiased. Amnesty's concerns in Albania mostly focus on police torture and ill-treatment and this was covered in the Report.
- *Bosnia-Herzegovina, Croatia, Slovenia*: All of these reports appear very complete. Amnesty International was concerned that the Council of Europe (COE) and the Organization on Security and Cooperation in Europe (OSCE) terminated their monitoring missions to Croatia prematurely. The decisions to end the missions seemed to be based more on the promise than on the reality of human rights improvements. Our preference would have been to keep the monitors in place to help ensure that the promised changes actually occurred. We hope this is a view that the State Department shares and would have conveyed to the COE and OSCE.
- *Macedonia*: The Report was comprehensive and covered most of Amnesty's concerns, particularly in the area of police torture and ill-treatment and extrajudicial executions. There was one area the Report did not cover at all: the imprisonment of conscientious objectors. Currently, there is no provision for an alternative to military service for conscientious objectors that is purely civilian in character and non-punitive in length.

The text of a new draft Law of Defense being considered by the Macedonian parliament is incompatible with the recommendations of international organizations on conscientious objection and the right to alternative service. Three conscientious objectors, all Jehovah's Witnesses, whose faith does not permit them to carry arms or serve in military organizations, were in prison between January and June 2000. In January 2000, Saso Nezirovski completed a three-month sentence for failing to answer call-up. He had already served a two-month sentence in 1996 for the same offence. Despite serving prison sentences and submitting a written request to be allowed to perform a civilian service he was served a further call-up order in June and risks further prosecution and imprisonment. Another Jehovah's witness served a three-month sentence between February and April 2000 and in June 2000 a third, Saso Georgievski, started a two-month sentence.

So far, only Jehovah's Witnesses are known to have been imprisoned. However, we have learned of students who object to military service on ethnic rather than religious grounds but none of them have been arrested.

*Bangladesh*: The Report was hard-hitting and included underreported issues such as trafficking and the possible political links to the killing of Shamsur Rahman, a tough investigative journalist. It was also positive that the Report mentioned some

very inflammatory speeches made by Prime Minister Sheikh Hasina, calling for 10 bodies of opposition activists for every body of an Awami League activist.

*Bolivia:* This Report consistently seeks to justify Bolivian security forces' attacks on protestors during the April water rights protests in Cochabamba and the coca eradication operations during the fall. Linking the water rights protests with the coca eradication protests is particularly regretful. Also, there have been no reports of any violence on the part of the water protestors, at least until the security forces opened fire into the crowds. There has been a consistent pattern on the part of the State Department to link the coca growers and the water protestors together to dilute the abuses perpetrated by security forces during the protests and state of siege.

*Cambodia:* The Report is thorough in some areas, especially in its assessment of the lack of rule of law and torture in custody. However, there are a few areas which understate the case or fail to cite key examples and issues. The characterization of efforts to establish a war crimes tribunal for the Khmer Rouge appears to have some spin:

The Report states that "government efforts continued to bring these and other senior Khmer Rouge officials to justice" when in fact the Cambodian government has not been as helpful as they could. A rather egregious omission is that Cambodian Prime Minister Hun Sen has indicated reluctance to prosecute surviving Khmer Rouge leaders who have reached agreements with the government, raising the specter of selective prosecution (to be fair, the Prime Minister has backed off on this stance somewhat during 2000, but not very convincingly).

While the Report is very hard-hitting on the inadequacies of the Cambodian system of justice, it dances around the implications of this for the proposed tribunal, details of which were hammered out during negotiations over the past year between the Cambodian government and the United Nations (UN).

The Report, perhaps reflecting overall U.S. policy, fails to address the issue that crimes against humanity have international jurisdiction and thus need to be taken up in an international war crimes tribunal. While this is a general issue, key negotiations on these matters occurred in 2000. The U.S. government has played an "intermediary" role between the UN and the Cambodian government on the war crimes negotiations, and has undermined efforts to establish a truly international tribunal.

While the report is very blunt about impunity, it fails to cite specific key examples, such as mass political killings that occurred in July 1997 and September 1998. The U.S. government should challenge the Cambodian government to account for these episodes.

On a very positive note, the U.S. Agency for International Development has a major program to strengthen human rights and rule of law in Cambodia. We should be supporting such programs more vigorously around the world.

#### CENTRAL AMERICA

- *El Salvador and Nicaragua:* The reports for both El Salvador and Nicaragua are good and incorporate many of the key human rights concerns. The Report on El Salvador incorporated nearly every incident brought to our attention of violations against sexual minorities, including the deaths of several transvestite prostitutes, and threats made against a gay rights activist. This is a considerable improvement from last year's Report, which made no mention of such abuses.
- *Guatemala:* The Report reflects Guatemala's troubling human rights situation. Guatemala's most critical issue is judicial impunity, with widespread intimidation and corruption precluding fair trials and thwarting due process, especially in cases of human rights violations. Second, we share the anxiety about lack of compliance with the 1996 Peace Accords, which mandate a broad range of reforms and civil war reparations that are crucial to a true and lasting peace. Finally, we are alarmed at last year's significant increase in violence and threats against human rights workers.

*Egypt:* The Report generally reflects key human rights concerns on issues such as torture, harassment of political opponents and civil society, and misuse and abuse of legal processes under the State of Emergency. One issue that is left out is use of the death penalty, which is common in Egypt (although not as common as in the United States), but that issue is outside the purview of the report.

Again, a recurring problem is that the issues raised by the Report are not implemented in U.S. foreign policy. On repeated occasions, the U.S. government has failed at the highest levels to express these concerns directly to the Egyptian government. The continued infusion of large amounts of security assistance to Egypt more directly reflects U.S. foreign policy than does this report. It is in the interests



of the United States that this change, that the issues raised in this report be placed on the agenda in talks between the two countries, and that the U.S. government push for concrete action to eliminate torture, open civil society, free the political process, and bring the judiciary in line with international legal standards.

*India:* There were a couple of mentions of Amnesty International reports which should have been made in the Department's own voice but, all in all, a very thorough report.

*Indonesia:* The Report states "the government's human rights record was poor, and the overall human rights situation worsened during the year, despite the Wahid governments efforts to continue the country's democratic transition and permit the exercise of basic freedoms. Security forces were responsible for numerous instances of, at times indiscriminate shooting civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Irian Jaya, the Moluccas, Sulawesi, and elsewhere in the country".

We would like to congratulate the Administration for the above correct and clear description of the human rights situation in Indonesia.

We would like to urge the administration to match the reality of the report with policy by maintaining the current U.S suspension of military ties with Indonesia. How can any government on one hand report that the situation is worsening in a country and that security forces were responsible for the abuses, and on the other hand reestablish ties with the same military they accused of being involved in massive human rights abuses?

Even though the report is thorough, we found certain disturbing comments:

On section 1e, last paragraph, it is stated that: "President Wahid released all remaining political prisoners from Soeharto and Habibie eras in December 1999. No new persons were convicted on political charges during the year."

We feel it is a misleading statement. There are numerous political prisoners in custody in Indonesia. Some of them were adopted by Amnesty as Prisoners of Conscience, and we are demanding immediate and unconditional release of these political prisoners. To say that no one was convicted on political charges gives the impression that there are no political prisoners. This is totally wrong.

On section 2a: "The government regulates access——". It is mentioned that foreign journalists and NGOs need permission to travel to Aceh and Irian Jaya. We are concerned that there is no mention that US embassy officials also need permission to travel to these areas. The administration should come out publicly about any restrictions placed on the US embassy officials traveling in different regions of Indonesia where massive human rights abuses are taking place.

We also feel that not enough emphasis was given on the internally displaced people (on one account over a million).

*Jordan:* The Report is very thorough with one exception. In the section on fair trials, the Report discusses some general problems with trials held in the State Security Court. The Report then mentions that 22 individuals accused of involvement in terrorist activities had been convicted in that court in September 2000. However, the Report does not explicitly make the connection between the general problems with trials held in the State Security Court and this particular case, nor does it note that those problems could have tainted the proceedings in this case.

Amnesty has noted that the defendants in this case were held in incommunicado detention for three months at the General Intelligence Department's detention center after their arrest in December 1999. Relatives and lawyers stated that they saw signs that they had been tortured when they were finally allowed to meet with them. One of the defendants, Khader Abu Hoshier, who was sentenced to death, claimed that testimony against him provided by some of the other defendants had been extracted under torture and duress. Other defendants also claimed they had been subjected to torture and that confessions had been extracted from them under torture.

Amnesty is not aware that any independent medical examination was ever carried out, however, there have been many credible reports of torture at the General Intelligence Department's detention center over the years. The defendants were also restricted in their consultations with their lawyers, compromising their ability to present an adequate defense against the charges. Amnesty International is concerned that because of these problems, the trials may not have been fair. In this case, these concerns are amplified because of the imposition of the death penalty on several of the defendants.

*Liberia:* The Report is excellent as usual. But since it does not cover anything in 2001, a couple of major issues are now in the spotlight. The major one is the pending UN sanctions on Liberia. At the moment is another one: four journalists detained for just doing their jobs (reporting on the spending of \$50,000 to repair a helicopter) and accused of sedition. The largest of all is the ongoing virtual war at the

Liberia, Sierra Leone, and Guinea borders, which are engendering enormous numbers of human rights abuses and refugee problems.

*Mexico:* The Report recognizes and enumerates several of the human rights issues and violations that Amnesty reported in 2000. Quizzically, the Report states, “The Government generally respected many of the human rights of its citizens,” before launching into an extensive list of violations that occurred in the last year alone, including political killings, “disappearances”, torture, poor prison conditions, arbitrary detentions, threats, and discrimination, among others.

The Report mentions the harassment of human rights defenders who are pushing forward important cases of rights violations. The persecution and harassment of union leaders and their lawyers, especially in the Maquiladora section, is noted. However, the Report would be more useful if it were to provide an evaluation of these particular incidents and whether there are NAFTA provisions that are being violated by the Mexican government, or if the responses by the Mexican government are effectively addressing the issues raised by the unions. The Report does not mention government repression of a strike at the Duro Manufacturing Plant. In this case, the police reportedly beat and threatened the striking workers, mainly women, during two operations to arrest them on the 11th of June.

Addressing indigenous rights, the Report describes several incidents of violations against indigenous people in Chiapas and Guerrero. It acknowledges that “military personnel and police officers continued to commit serious human rights abuses.” The concerns stated in the Report about human rights violations by the military—especially in Chiapas and Guerrero—needs to be evaluated within the context of U.S. law regarding support for military training and arms sales to Mexico. There would be more credence to U.S. concerns about violations carried out by the Mexican military if the Report were to evaluate the impact of U.S. security assistance or sales to Mexico’s Armed Forces.

The Report also lacks a contextual description of the conditions under which human rights violations continue to occur in Mexico. For example, it does not include the relationship of the social, economic, and cultural rights of the communities in Guerrero affected by deforestation and the civil and political rights of imprisoned environmental rights defenders Rodolfo Montiel and Teodoro Cabrera.

Additionally, the Report overstates that “most NGO’s have a favorable opinion of [Mexico’s National Commission for Human Rights—CNDH].” In fact, many human rights NGOs long ago concluded that the CNDH lacks credibility because it tends to lessen the gravity of rights violations in its Reports and often states that cases it investigates have been resolved when a perfunctory response by government officials is received.

The Report does not link the Federal Attorney General’s Office (PGR) to gross miscarriages of justice, including the failure to comply with the recommendation of the Inter-American Commission on Human Rights to release General José Francisco Gallardo Rodríguez, and the failure to uphold Mexican federal law that prohibits and punishes the use of torture with regard to the case of imprisoned environmentalists Rodolfo Montiel and Teodoro Cabrera.

*Palestinian Authority:* AIUSA was pleased with the reporting on violations committed by the Palestinian Authority, including the use of torture, unfair trials, the use of death penalty, and the failing to stop attacks by armed Palestinians on Israeli civilian targets. These criticisms echo our own concerns and reports that we have published. We were especially pleased to see strong criticism of harassment of journalists by the Palestinian Authority, which was the subject of an extensive report we published on the subject last year. We were also pleased to see strong criticism of the total lack of due process in the PA’s State Security courts. In the past, several US officials, including former Vice President Al Gore, praised these courts as a useful tool against organizations like Hamas, only to see them later used against other political dissidents and individuals accused of a range of other offenses.

*Russia:* The Report does not distinguish clearly enough the enormity of the failure of civilized governance continuing in Chechnya. To be sure, the format of the Reports makes it a bit difficult to put a spotlight on something like this. The Report as a whole is detailed and diplomatic, but it could have described the facts in much more explicit terms.

Russia has a mixed picture on human rights. As the people of Chechnya are, in Moscow’s view, citizens of the Russian Federation, the authorities in Moscow cannot abjure their responsibility to provide and assure minimal standards of civil liberties and equal protection of the law for these people. The key failure from a strictly Russian constitutional position is that Chechens are treated as hostile foreigners in a war situation, not as citizens with rights. Moscow wants to have it both ways: de-

scribing the Chechens as part of Russia but treating them like conquered territory. The Report does not make this key failing explicit and should do so.

*Rwanda:* While the Report is quite thorough and comprehensive, a number of important events that have direct implications for the state of democratic governance were minimized and even ignored in the report. The Speaker of the National Assembly, Joseph Seberenzi, the Prime Minister, Pierre Celestin Rwigema, and the President, Pasteur Bizimungu, all resigned under pressure in the first three months of the year, leaving even less Hutu representation in the higher echelons of the government. Paul Kagame, the new President, is a Tutsi and replaced a Hutu majority president, ending the practice of having a member of the majority ethnic group serve as titular head of the republic. In addition, ten of the eighteen cabinet seats went to Kagame's party, the Rwandan Patriotic Front (RPF), violating the Arusha Accords agreement on balancing of power among different groups in Rwanda.

The Local Defence Forces are mentioned as being in operation, but the report fails to acknowledge or detail the numerous human rights abuses and the impunity with which these abuses were committed. The report casually writes off these offenses as the result of "personal quarrels, thievery, or drunkenness." Equally disturbing are the continuing reports of the forced recruitment of men and children into the LDF. Both of these issues must be forcefully addressed by the Bush administration.

The Report glosses over major issues concerning the rule of law. For example, the government extended the detention deadline of persons without case files to June 2001, although many of these people have been held in prison since 1994, a clear violation of Rwanda's commitments to the UN Conventions and the African Charter on Human and Peoples Rights. There is also the issue that despite releasing 3,000 detainees without case files into the local communities, another 1,000 prisoners without case files have not been released due to fear that the community had not been sensitized sufficiently to receive the suspects peacefully. There have also been reports of attacks on people acquitted of genocide charges and many people were re-arrested by the state after their release.

Amnesty International continues to have major concerns regarding Gacaca—an alternative form of communal justice and the fact that it was apparently being carried out in some prisons under the direction of the Minister of Justice, even though legislation for the process has not passed yet. Amnesty International believes that although the process is more rapid and could help alleviate the detainee crisis, it does not protect the rights of the accused as it does not allow for a right to counsel, and the "judges" are elected by their communities. The Report does not properly reflect these shortcomings.

*Saudi Arabia:* The Report provides an excellent overview of human rights conditions in Saudi Arabia. All the human rights violations associated with the Saudi Arabian criminal justice system are discussed, but, because of the way the report is divided into categories, it is sometimes unclear how these different human rights violations relate to and reinforce one another. For instance, incommunicado detention, or detention without judicial supervision, can lead to coercion of confessions and torture, which contributes to unfair trials, which leads to more floggings, amputations, and beheadings. The causes of human rights violations, not just the violations themselves, need to be emphasized. In this case, an overriding need for confessions and the lack of judicial supervision of arresting authorities are the chief reasons why abuses continue to flourish within the Saudi Arabian criminal justice system.

While discussions of the discrimination faced by the Shi'a community of Saudi Arabia are good, two cases are not mentioned. Sheikh Ali bin Ali al-Ghanim, a prominent Shi'a scholar, was sentenced in November 2000 to 5 years in prison on unspecified charges after a secret trial, and may be a prisoner of conscience. Hani el-Sayegh, a Shi'a Saudi Arabian citizen who was deported against his will from the US, remains in prison and possibly faces trial in connection with the 1996 al-Khobar bombing. The U.S. government reportedly received assurance from Saudi Arabian authorities that Hani el-Sayegh would not be tortured and would receive a fair trial. Mention should be made in the Report as to the current status of Hani el-Sayegh, and what measures United States officials have taken to ensure that these assurances are respected.

The plight of the Iraqi refugees who remain in Rafha camp after 10 years, and who are denied any freedom of movement, needs more sympathetic treatment. The plight of female domestic workers, who are unprotected by Saudi Arabian labor laws and are completely defenseless against abuses of their rights, perhaps deserves a separate section. The fact that floggings, amputations, and executions are carried out disproportionately against foreigners from Africa and Asia deserves mentioning, and the reasons for Saudi Arabia's suspension from OPIC insurance programs "be-

cause of the Government's lack of compliance with internationally recognized worker rights standards" deserves clarification.

Finally, the Report did include one of the most egregious abuses against a sexual minority brought to our attention which is an improvement over previous years' reports, which have made no mention of similar incidents.

*Sri Lanka:* Many of the human rights abuses in Sri Lanka relate to the ongoing armed conflict between the government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE), which is seeking an independent state for the Tamil minority in the north and east of the island. In the Report, the State Department describes violations committed both by the Sri Lankan security forces and also abuses committed by the LTTE.

Overall, with respect to the LTTE abuses, the Report provides an accurate description. However, with respect to violations committed by the security forces, the Report understates certain human rights violations committed by the security forces last year. With respect to other violations by the government forces, the Report merely seems to proffer the Sri Lankan government's claims. A comparison with the Sri Lanka Report for 1999 would suggest that while the Sri Lankan security forces committed a significant number of grave human rights violations last year, there was some improvement in 2000 as compared to prior years. The reality is the opposite: a bad situation in Sri Lanka became worse last year.

In reaction to military reverses earlier in the year, the Sri Lankan government promulgated new emergency regulations in May 2000 which gave wider powers to the security forces to arrest and detain suspects, and eliminated earlier safeguards against arbitrary arrest and detention. The emergency regulations which had been in effect until then had already given the security forces arrest and detention powers which exceeded the limits permissible under international standards.

Amnesty has over the years called upon the Sri Lankan government to review and revise its security legislation to bring it into line with international standards. We have been concerned that the security legislation facilitates human rights violations by the government forces. After introduction of the new emergency regulations in May, Amnesty received increased reports of torture, "disappearances", and deaths in custody during 2000. Further, the methods of torture reported appear to have become more severe than before. Amnesty has asked the Sri Lankan government to either repeal the new emergency regulations or revise them to comply with international standards.

The Report describes the wider powers granted by the new emergency regulations and states that they "further eroded due process protections." But there is no clear recognition of the increased reports of violations by the government forces in the months following promulgation of the new regulations.

With respect to "disappearances" and rapes in detention, the Report understates violations committed by the security forces. With respect to "disappearances," the report is internally inconsistent. The summary at the beginning of the report states that nine people "disappeared" during 2000. However, further on in the section of the report specifically on "disappearances," the report says that the security forces committed "as many as 11 disappearances in Vavuniya and Trincomalee through September 29." In any event, Amnesty has documented reports of at least 20 "disappearance" cases in Sri Lanka during 2000. With respect to rape, Amnesty International has documented reports of rape during 2000 by the Sri Lankan army in Jaffna and Batticaloa and by the police in Negombo. The Report states that "there were no reports of rape in detention during the year."

Given the large number of unresolved cases of human rights violations in Sri Lanka occurring prior to 2000 (indicative of the climate of impunity prevailing in Sri Lanka), the Report in many instances simply reiterates the write-up on these incidents from the 1999 Report. But in cases where the language has been changed slightly, it is almost always in a direction favorable to the Sri Lankan government.

With respect to the arbitrary detention of thousands of Tamils, the 2000 Report used a lot of the same language as the 1999 Report but added statements describing the government's justifications in a couple of places. Significantly, while it kept the same overall total of about 2,000 for the number of those being arbitrarily detained, it changed the description of how long some of the detainees have been held. In 1999, the Report said "up to five years;" now, the Report says: "some for more than 2 years."

In the discussion of the Chemmani mass grave investigation, the Report omits all the language from the 1999 Report about how the government had been slow in conducting the investigation and only picked it up again due to international pressure.

In the last few years, the Reports on Sri Lanka did not suffer from these defects. We do not believe that tilting toward one side in the conflict serves the interests of either the U.S. government or the people of Sri Lanka. We hope that the State

Department will resume its previously commendable job in accurately and impartially reporting on the serious human rights situation in Sri Lanka in future reports. Also, the Report did not include a single violation brought to our attention of violations against sexual minorities.

*Thailand:* The report cites Thailand's failure to become a signatory to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. While the Report rightly acknowledges that Thailand has and continues to host enormous numbers of refugees from neighboring countries, individuals seeking asylum have no legal rights in Thailand. Refugees and asylum-seekers, whom the Thai authorities label "illegal immigrants," have been detained in poor conditions, and in some cases, forcibly returned to countries where they face persecution. Some instances of this are discussed in the Report.

One very important example that is not addressed in the Report is that of Cambodian refugee and Prisoner of Conscience Sok Yoeun. Sok Yoeun was arrested in December 1999 after a Thai politician complained that Thailand was harboring a Cambodian terrorist. The Cambodian authorities allege that Sok Yoeun had responsibility for a rocket attack reportedly on Prime Minister Hun Sen's motorcade in Siem Reap province in September 1998. These allegations are believed to be unfounded and if returned to Cambodia, Sok Yoeun would face politically-motivated charges.

Sok Yoeun was subsequently sentenced to six months' imprisonment for illegal immigration. This sentence expired on 26 June 2000, after which time he has been remanded in custody. He is currently detained pending extradition court hearings, although there is no ratified extradition treaty between Thailand and Cambodia. Various Thai government sources have been quoted in Thai newspapers, stating that the case is "not political" and that Sok Yoeun can be sent back to Cambodia. Sok Yoeun is more than 50 years old, and his health has suffered during his six months in detention. Conditions in Thai prisons are harsh.

In another case, in February 2000, the Thai authorities forcibly deported to Myanmar Burmese asylum seeker Saw Tin Oo, who has since been sentenced to death in Myanmar for high treason.

Regarding the alleged failure of the Thai government to provide adequate security for the refugee camps from cross border raids by the Burmese army, the government needs to recognize that the refugees are at risk in these camps due to their proximity to the often ill-defined border, and because there is a history of the Burmese army attacking these camps in the past. The Thai government should continue to address these security problems with a view to protecting the lives and physical integrity of the residents of the camps.

*Turkey:* We welcome the Report's information on the continuing grave human rights abuses occurring and would like to comment on three issues explored in the report.

First, the Summary acknowledges that "torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation." The full document also acknowledges a report by the Turkish Parliament's Committee on Human Rights. However, it fails to stress the main points of that report: that torture of suspects and prisoners exists throughout the Turkish penal system, and that the Commission in its investigation discovered rooms dedicated to torture in police stations and prisons throughout Turkey. In spite of this evidence from his own Parliament, Prime Minister Bulent Ecevit continues to deny that torture in Turkey is "state policy" and to underplay its universal use throughout Turkey.

Additionally, the Report needs to make clear that torture victims in Turkey include children. In June 2000, Professor Veli Lok, Chair of the Izmir Branch of the Human Rights Foundation of Turkey, said that torture victims in Turkey are as young as seven years old, and that "women, children, and the elderly" were among those tortured in 2000.

Secondly, the Report acknowledges that the Turkish Government "continued to harass, indict, and imprison human rights monitors . . ." But the government has also raided the offices of the Turkish Human Rights Association, confiscated office equipment, closed its branch offices, and generally impeded the work of that organization.

While the summary includes information about Akin Birdal's imprisonment and release, it does not mention that other cases are pending against Mr. Birdal which could return him to prison. Nor does the report indicate that, because of his conviction, Mr. Birdal is no longer allowed to serve as an officer of the Human Rights Association.

Third, the Report mentions the terms "reactionaries" and "separatists" as used by the Turkish government, but it fails to emphasize how widely these labels are ap-

plied. A “separatist”, for example, can be someone who simply states that Turkey’s troubles involving its Kurdish population need to be resolved peacefully.

Even members of Turkey’s parliament can be punished for speaking out against human rights violations. For example, the Report needed to mention that Selma Piskinsut, the driving force behind the Parliamentary Human Rights Commission, was removed as chair of the committee after its report was released.

A decade ago, then-Prime Minister Suleyman Demirel promised that Turkey’s police stations would have “glass walls” as a means of improving human rights. Neither those words nor the promises made by subsequent officials have led to changes. Turkish citizens still are jailed in violation of their right to freedom of expression, they are still tortured in those jails, and some of them still disappear.

Also, the Report did not include any of the violations against sexual minorities brought to our attention.

As we discuss the continuing grave human rights violations occurring in Turkey, its government is negotiating the \$4.5 billion purchase of 145 attack helicopters from the U.S. company Bell-Textron. We believe Turkey should not be provided weapons such as attack helicopters that have been used to commit human rights abuses until it commits itself to stopping those abuses through substantial reform. The previous Administration made statements indicating that approval of the sale would hinge on demonstrated improvement of the human rights situation in seven specific areas. The Report documents the lack of meaningful progress in most of these areas, including expanding freedom of expression, prosecuting police who commit torture, ending harassment of human rights defenders and non-governmental organizations, and ceasing harassment and bans on political parties. We therefore continue to oppose the helicopter sale and urge this Administration to approve it only if Turkey can demonstrate serious commitment towards meaningful reform of its human rights situation.

*United Kingdom (as it relates to Northern Ireland only):* The Report is far too uncritical in its treatment of the investigations into the murders of solicitors Rosemary Nelson and Pat Finucane. Northern Ireland is the most dangerous jurisdiction in Europe for lawyers to practice their profession. Merely for carrying out the obligations of their profession, defense lawyers risk abusive treatment by police when they visit clients at detention facilities, death threats, and even murder. Even now with the peace process underway, official toleration of these practices persists.

Mrs. Nelson was murdered on March 15, 1999, after having been the target of an official campaign of harassment and intimidation. The murder investigation led by Colin Port is headquartered out of the Lurgan RUC station—the same station whose officers made threats against her life. The Report characterizes the Port investigation in glowing terms, apparently oblivious to its serious credibility deficit in being housed in the Lurgan RUC station.

The Report similarly omits mention of some of the more troubling developments in the still ongoing investigation of Pat Finucane’s murder in 1989. Although it relates that self-described RUC informer William Stobie had given his handlers advance warning of the Finucane murder, the Report entirely disregards the extreme measures the British government took to suppress Stobie’s statements. In an effort to keep Stobie’s revelations out of both the press and the courts, the government launched an attack against Ed Moloney, the journalist who broke the story. Fortunately, all proceedings against Moloney were ultimately dismissed by a reviewing court.

However, this episode stands as a stark reminder that guaranteeing the safety and independence of lawyers is not yet a priority for the government authorities in Northern Ireland. The Irish government has issued demands for independent inquiries into both lawyers’ murders (the demand in Rosemary Nelson’s case having been made only within the last three weeks).

The Report also fails to convey the serious shortcomings of the legislation purporting to implement the 1999 Patten Report on Policing in Northern Ireland. Reform of the police force is critical to the success of the peace process. Amnesty has criticized many aspects of the legislation, including its failure to create much-needed structures for police accountability. Amnesty has also stated that the legislation lacks a “human rights ethos.” Contrary to the Patten Commission’s recommendation, an oath of office in which officers would swear to uphold human rights will only be required of new recruits; currently serving officers will not have to take the oath.

The Report has some other shortcomings, but in general gives good treatment of problems arising from emergency legislation, and even makes particular mention of Amnesty’s critique of the Terrorism Act 2000.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Salinas.

Ms. Massimino?

**STATEMENT OF ELISA MASSIMINO, DIRECTOR, WASHINGTON  
OFFICE, LAWYERS COMMITTEE FOR HUMAN RIGHTS**

Ms. MASSIMINO. Thank you, Madam Chair, Madam Ranking Member, and Mr. Smith. I am honored to be here today and for the opportunity to share the Lawyers Committee's view of the State Department Country Reports this year.

We are incredibly grateful to all of you for the role that you have played in raising human rights in the Congress and also for the role this Subcommittee plays which is so vital. In many ways, it is the conscience of this body, raising human rights consistently and keeping them at the forefront of concerns with the Administration. We are very grateful to you for that role.

As you know, the quality and accuracy of the Country Reports has been of great concern to the Lawyers Committee since the State Department was first mandated to present them nearly 25 years ago.

Beginning in 1979 and until just a few years ago, the Lawyers Committee published an extensive annual critique of the reports. We continue to believe that the reports require and benefit from critical input from the non-governmental human rights community.

In recent years, we have witnessed a steady improvement in the objectivity and comprehensiveness of the reports. We commend the hundreds of State Department and Foreign Service personnel who participated in this effort for their professionalism and diligence in the production of this year's reports.

One of the distinguishing marks of a good Country Report is the degree to which it reflects extensive consultation by U.S. embassies with local human rights advocates and NGOs. Today's hearing is an important forum in which U.S.-based NGOs can critique our own Government's reporting and highlight needed changes in next year's edition of the Country Reports. We very much welcome the opportunity to do that.

Production of the annual Country Reports is an enormous undertaking. If we had a representative of the State Department here testifying today, I am sure they could tell you all about that. Detailed instructions go out to U.S. diplomats and State Department employees in Washington and around the world outlining the many areas of substantive focus on which comprehensive information must be submitted for inclusion in the reports.

I would suggest as you meet with the State Department worker bees as you mentioned, Madam Chair, that you pay special attention to the instructions that are sent out to the embassies and the Foreign Service personnel because that is the request for information that very much guides what is put into the reports.

Governments and human rights advocates around the world eagerly await publication of these reports each year. Obviously, no government relishes public criticism and a few governments, like China, attempt to discredit the reports as an exercise in imperialism from an imperfect country. But this criticism rings false when citizens of those countries welcome the reports as an aid in their struggle to secure respect for their rights from abusive governments.

The value of the Country Reports as a baseline for foreign policy decisionmaking is directly proportional to their objectivity, and for that reason we have always placed a high premium on their use of dispassionate reporting criteria based on the application of clear and consistent legal standards.

The virtue of human rights law lies in its universality and impartiality. It embodies a set of agreed-upon standards that have universal application and command a growing international consensus. Politicization is its greatest enemy. For that reason, we are particularly alert to the incursion of politics into the language and use of the Country Reports.

In the earliest years of the Country Reports, the tendency to shield strategic allies such as Egypt, Israel, Saudi Arabia, Turkey and the United Kingdom from plain spoken criticism was quite strong, even when the record of their violations was clear. This manifested itself in a variety of subtle and not-so-subtle ways, including the selective reporting of abuses, the use of editorial and linguistic devices to conceal culpability, and a failure to hold governments and non-governmental entities to a single universal standard of conduct.

This year's reports represent a further step in the trend away from this kind of politicization. As the reports have become more and more comprehensive and detailed in their exposition of the facts, the ability to shield strategic or political allies from direct criticism become increasingly difficult.

This is not to say that this year's reports are beyond criticism. There are still a number of reports that seem to bear the mark of political editing with the intent, or at least the effect, of softening the impact of more direct language, and there continue to be some omissions that contribute to an incomplete picture of the extent of government responsibility for poor human rights performance.

Examples of these deficiencies in some selected reports are addressed in my written testimony, but on the whole, this year's reports deserve high marks for their comprehensiveness and objectivity.

In some ways, this only serves to highlight the instances where there is a sharp discrepancy between the message delivered in the reports and U.S. policy toward governments that have been identified in the reports as serious human rights violators. The most negative consequence of this, from the point of view of an effective and principled human rights policy, is that it conveys the impression that candor on human rights is a function of one small part of the foreign policy bureaucracy and not necessarily of the Administration as a whole.

It is entirely appropriate that the Bureau of Human Rights, Democracy and Labor should act as a focal point for human rights in the State Department and in the Administration, but is inappropriate and it can damage broader U.S. interests if the bureau's voice is seen to be——

Ms. ROS-LEHTINEN. Excuse me. If you could summarize. Thank you.

Ms. MASSIMINO. If the bureau's voice seems to be marginalized and abusive governments can then dismiss it as an island, as my



colleague Steve Rickard used to say, off the mainland of foreign policy.

I would like to mention just briefly a few problems with some of the reports that we mention in the written testimony. We picked them not because they are the worst reports or the best reports or the countries where things are the worst—

Ms. ROS-LEHTINEN. If you could summarize that in 1 minute, because we need to move along.

Ms. MASSIMINO. I will do that if I can.

Ms. ROS-LEHTINEN. Thank you.

Ms. MASSIMINO. I will try to match my colleague.

Ms. ROS-LEHTINEN. We did not have the clock working right when Mr. Salinas was up at bat, but we have it working now.

Ms. MASSIMINO. I will say one sentence on China, the U.K., Mexico and Turkey.

On Mexico, the section on torture is extremely strong, but we continue to see the same language that we saw last year about freedom of association and groups being able to operate freely, and that is simply not true. It is not true. We said it was not true last year, and it is not true this year.

On the section on the United Kingdom, I think I will just summarize by saying that this is a strategic ally, and we pull our punches in this report on Northern Ireland. I hope we are going to have a chance to talk about that next week at the hearing.

Ms. ROS-LEHTINEN. We will. We will have that hearing next Thursday at 10 a.m. Thank you.

This will be your last one.

Ms. MASSIMINO. On Turkey again we get language about independence of the judiciary. This is not true. It was not true last year when the State Department said it, it is not true this year, and we should not praise the Turkish government for its attention to human rights if they are not going to do anything about.

Ms. ROS-LEHTINEN. Amen. Thank you so much.

[The prepared statement of Ms. Massimino follows:]

PREPARED STATEMENT OF ELISA MASSIMINO, DIRECTOR, WASHINGTON OFFICE,  
LAWYERS COMMITTEE FOR HUMAN RIGHTS

#### I. INTRODUCTION

Chairman Ros-Lehtinen and members of the Committee, thank you for convening this hearing and for the opportunity to share our perspective on the State Department's *Country Reports* this year. We are grateful to you for your steadfast attention to human rights issues and to the Subcommittee for the vital role it plays in raising these concerns in the Congress.

My name is Elisa Massimino, and I direct the Washington office of the Lawyers Committee for Human Rights. Since 1978, the Committee has worked to protect and promote fundamental human rights, holding all governments—including our own—accountable to the standards contained in the Universal Declaration of Human Rights and related international human rights instruments. The Lawyers Committee focuses its efforts on how best to protect human rights in a lasting way, by advancing international law and legal institutions, by working to build structural guarantees for human rights in national legal systems, and by assisting and cooperating with lawyers and other human rights advocates who are the frontline defenders of human rights at the local level.

As you know, the quality and accuracy of the *Country Reports* have been of great concern to the Lawyers Committee since the Department of State was first mandated to present these *Reports* to the Congress nearly 25 years ago. Beginning in 1979, and until a few years ago, the Lawyers Committee published an extensive annual *Critique* of the *Reports*. We continue to believe that the *Reports* require and

benefit from critical input by the non-governmental human rights community. In recent years, we have witnessed a steady improvement in the objectivity and comprehensiveness of the *Reports*. We commend the hundreds of State Department and foreign service personnel who participated in this effort for their professionalism and diligence in the production of this year's reports. One of the distinguishing marks of a good *Country Report* is the degree to which it reflects extensive consultation by U.S. embassies with local human rights advocates and NGOs. Today's hearing is an important forum in which U.S.-based NGOs can critique their government's reporting and highlight needed changes in next year's edition of the *Country Reports*. We welcome this opportunity.

## II. WHY THE COUNTRY REPORTS ARE IMPORTANT

Production of the annual *Country Reports* is an enormous undertaking. Detailed instructions go out to U.S. diplomats and State Department employees in Washington and around the world outlining the many areas of substantive focus on which comprehensive information must be submitted for inclusion in the *Reports*. The *Reports* represent an effort to measure the performance of the governments of 195 countries—friend and foe alike—by a common yardstick: compliance with universally recognized human rights standards.

Governments and rights advocates around the world eagerly await publication of these *Reports* each year. Obviously, no government relishes public criticism. And a few governments, like China, attempt to discredit the *Reports* as an exercise in imperialism from an imperfect country. But this criticism rings false when citizens of those countries welcome the *Reports* as an aid in their struggle to secure respect for their rights from abusive governments.

The value of the *Country Reports* as a baseline for foreign policy decision-making is directly proportional to their objectivity, and for that reason we have always placed a high premium on their use of dispassionate reporting criteria, based on the application of clear and consistent legal standards. The virtue of human rights law lies in its universality and impartiality. It embodies a set of agreed upon standards that have universal application and command a growing international consensus. Politicization is its greatest enemy. For that reason, we are particularly alert to the incursion of politics into the language and use of the *Country Reports*.

In the earliest years of the *Country Reports*, the tendency to shield strategic allies—such as Egypt, Israel, Saudi Arabia, Mexico, Turkey and the United Kingdom—from plain-spoken criticism was quite strong, even when the record of their violations was clear. This manifested itself in a variety of subtle and not-so-subtle ways, including the selective reporting of abuses, the use of editorial and linguistic devices to conceal culpability, and a failure to hold governments and non-governmental entities to a single, universal standard of conduct.

This year's *Reports* represent a further step in the trend away from this kind of politicization. As the *Reports* have become more and more comprehensive and detailed in their exposition of the facts, the ability to shield strategic or political allies from direct criticism becomes increasingly difficult. This is not to say that this year's *Reports* are beyond criticism. There are still a number of *Reports* that seem to bear the mark of political editing, with the intent—or at least the effect—of softening the impact of more direct language. And there continue to be some omissions that contribute to an incomplete picture of the extent of government responsibility for poor human rights performance. Examples of these deficiencies in a few select *Reports* are addressed below. But on the whole, this year's *Reports* deserve high marks for their comprehensiveness and objectivity.

In some ways, this only serves to highlight the instances in which there is a sharp discrepancy between the message delivered by the *Reports* and U.S. policy toward governments that have been identified in the *Reports* as serious human rights violators. The most negative consequence of this, from the point of view of an effective and principled human rights policy, is that it conveys the impression that candor on human rights is the function of one small part of the foreign policy bureaucracy—the Bureau of Democracy, Human Rights and Labor—and not necessarily of the Administration as whole. It is entirely appropriate that the Bureau should act as the focal point of the human rights effort. But it is inappropriate, and can damage broader U.S. interests, if the Bureau's voice is seen to be marginalized, and if abusive governments are therefore able to conclude that human rights are a fringe concern of the Administration that is not echoed and reinforced by other, more influential government agencies such as the Departments of Defense or Commerce.

This is a serious policy challenge. Its solution, of course, lies well beyond the scope of the *Country Reports* and can only be addressed through political leadership by the President who, with his most senior advisors, must develop an effective Admin-

istration-wide strategy for tackling these problems. The Introduction to the *Country Reports* this year states that they are “backed by the full weight of the U.S. people and Government.” This is a vitally important message that should come through loud and clear to governments that abuse their people’s rights. But this message will be received only when U.S. policies towards those governments fully reflect the harsh realities contained in these *Reports*.

### III. SPECIFIC COUNTRY CONCERNS

In part because they are so comprehensive, and increasingly technical, readers of the *Country Reports* may find them to be dry and dispassionate, recounting calmly the various “improvements” and “setbacks” in country after country. But embedded in these thousands of pages, behind the catalogue of violations, are the stories of people whose lives have been shattered by torture and whose aspirations for dignity and freedom have been all but extinguished. In Chechnya, China, Colombia, Cuba, Congo and so many other places, the *Reports* document human rights abuses that shock the conscience and cry out for redress.

We single out four countries for special comment today, not because they have the worst human rights records, or because the Department has done a particularly good or bad job reporting on the situations there. Rather we focus on these four because they are instructive of the continued need for the integrity and even-handedness of the *Country Reports*, and also to encourage their active use by policy-makers. As the *Country Reports* become increasingly detailed and even technical, we are eager to see them realize their full potential as a stimulus to the further strengthening of international human rights law and its enforcement.

The four *Reports* we examine here—Mexico, the United Kingdom, Turkey and China—demonstrate the strengths and promise of the *Reports*, as well as their deficiencies, when a critical eye is turned on a close neighbor, a longtime friend, a strategic ally and a potential emerging market for U.S. businesses. Though enormously varied in the degree to which they live up to international human rights standards, each of these countries presents a challenge for the new Administration. And in each instance, the nature of the response by U.S. policymakers will have profound bilateral, regional and even global ramifications.

#### A. Mexico

The most notable feature of the *Report* on Mexico is the extensive section on the prevalence of torture in the context of the criminal justice system. This section is quite forceful and accurately identifies many of the most serious issues relating to this problem, using clear, straightforward language. For example, the *Report* notes that “the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture.” The *Report* also notes that this problem derives in part from the fact that police and prosecutors do not have proper training and equipment and so often rely on torture as an investigative tactic. In this way, the *Report* highlights the fact that reliance on torture in criminal investigations not only constitutes serious human rights abuse but is also not an effective crime fighting technique. The modus operandi of the police described in last year’s *Report* unfortunately persists: “police officers often attempt to solve crimes by rounding up likely suspects and then extracting confessions from them by force.”

While the *Report* does not pull any punches in describing the widespread use of torture and its relationship to the lack of accountability, it unfortunately misses an opportunity to raise the very significant issue of the lack of an effective mechanism in Mexico to compile country-wide data on torture and other serious human rights violations. Statistics of the National Human Rights Commission showing a decline in complaints of torture have led some officials to suggest this grave problem is no longer a priority concern. Respected Mexican human rights NGOs, such as the Miguel Agustín Pro Juárez Center for Human Rights (PRODH), have alleged that the National Human Rights Commission ignores the limitations on its own data collection because of political pressure to suppress information as to the true incidence of torture.

The *Report* does well to mention that arbitrary detention is among the most common of human rights abuses, but it misstates the rule on detention and in so doing misses the important issue that arbitrary detention is allowed, even encouraged, by Mexican law. The *Report* ought to state simply that the problem lies in exceptions to the general constitutional requirement of extensive judicial supervision of arrest and detention. The exceptions, which have been widened well beyond reasonable bounds by successive changes in the law, allow police and prosecutors to hold suspects for 48 hours before taking them before a judge. Because courts are inclined to accept coerced confessions as evidence, this 48-hour period, during which suspects

are at the mercy of the police and prosecutors, is a particularly dangerous time. The *Report* is right to highlight restrictions on the suspect's access to a defense attorney and the inadequate representation of poor defendants. The *Report* could go one step further and clearly identify the fact that in Mexico suspects are not entitled to counsel during the period of detention for interrogation by the police—a time at which they are very vulnerable to abuse. On a related point, the *Report* also fails to address the important issue of unacknowledged custody. Police or prosecutors sometimes keep detained persons in their custody well beyond the 48 hour limit and cover their tracks by falsifying key information relating to the time and circumstances of detention.

In contrast to the section dealing with torture, however, in some other areas the *Report* resorts to formulaic statements in order to avoid a more profound analysis regarding human rights problems in Mexico. For example, the *Report* states that the judiciary is independent, while noting that it has on occasion been influenced by the executive branch. Yet, the laws regarding appointments to the bench, which allow for heavy executive branch influence over this process, and the lack of life-time tenure for judges present real problems for the independence of the judiciary in both law and practice. While the *Report* is right to state some reforms have begun to address some problems of independence of the judiciary, the *Report* could do more to emphasize that many obstacles to independence remain, particularly the fact that most judges do not have tenure. Lack of independence leaves judges vulnerable to pressure from the executive branch, including prosecutors, to convict based on tainted confessions.

The *Report* also states that court hearings are open to the public. But this is misleading and does not reflect an understanding of the actual practice of hearings in Mexico. There are no courtrooms in Mexico. Generally, four or five hearings are conducted simultaneously before the same judge at several tables in a busy room. There is no opportunity for the public or the press to actually hear what transpires in any of those hearings. Nor is the judge generally present.

The *Report* continues to state, as it has in past years, that the Government respects the rights of assembly and association and that a wide variety of human rights groups operate largely without government restriction. This assertion is simply not born out by the facts, even those set out in the *Report*. As the *Report* states, the Government has been accused of harassing NGOs, especially in the state of Chiapas. The *Report* also notes that the Miguel Agustin Pro Juarez Human Rights Center (PRODH) and other organizations are receiving death threats and that the investigations had not yet yielded any concrete results. Mexican law and practice, in fact, creates a disabling environment in which human rights defenders are frequently harassed and intimidated. The Lawyers Committee has published a briefing paper analyzing restrictions on Mexican NGOs and laying out a detailed plan for improvements by the Mexican government. United States policy towards Mexico, which tends to be driven largely by concerns about immigration and drug trafficking, should focus on pressuring the government of Mexico to adopt these measures.

#### *B. United Kingdom/Northern Ireland*

The *Country Report* on the United Kingdom contains a detailed examination of the human rights situation in Northern Ireland and, in general, addresses the complexities of this situation in a nuanced and careful manner. Discussions of the Police Ombudsman, the Criminal Justice Review, and the legal regime relating to terrorist offenses in the *Report* are even-handed and thorough.

As this Committee is well aware, the issue of policing and police reform in Northern Ireland is now at the very heart of the peace process. The scope and pace of implementation of the Patten Commission recommendations is seen as a test of the UK Government's commitment to human rights in Northern Ireland, and it is in this area where the *Country Report* is most disappointing.

While the *Report* correctly points out that the ongoing transformation of the Royal Ulster Constabulary "remains controversial," it fails to explain the most pressing areas of concern with respect to the human rights and accountability structures that the Patten Commission recommended to the UK Government. Instead, the report simply states that "the nationalist parties object to the [policing] bill for not strictly following all recommendations of the Patten Commission, while unionist critics argue that reforms will undermine the effectiveness of the police," as if this were nothing more than a disagreement between political factions in which compliance with objective human rights standards is irrelevant. A close look at which recommendations have been accepted and which were rejected by the UK Government would have revealed that the Government's choices have tended to weaken the human rights and accountability provisions included in the Patten Commission's

recommendations. Because we believe that the UK Government still has the time and opportunity to ameliorate some of these concerns in the coming months, and should be pressed to do so by the Bush Administration, we are particularly concerned that the *Report* fails to address these points in detail.

Another notable omission is the *Report's* total failure to discuss the growing evidence of collusion between members of the Royal Ulster Constabulary and loyalist paramilitaries. Last year, evidence pointing to the existence and activities of the Force Research Unit, a secret army unit that operated in Northern Ireland for many years, was placed in the public domain. This evidence, which appears to be credible, requires international attention, and the absence of discussion about it in the *Country Report* is a serious omission. If the allegations are true, grave violations of human rights are involved, including the breach of the right to life in some instances. Because of the gravity of the allegations and the prima facie validity of the evidence, this omission from the *Report* is glaring.

One case that illustrates the concern about the operations of the Force Research Unit is the murder of defense attorney Patrick Finucane. The *Report* notes that "human rights organizations, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and Finucane's family have continued to press the Government during 2000 for an independent public inquiry into the killing" based on "the possible existence of new evidence that would support charges of collusion between governmental officials and loyalist paramilitary groups in Finucane's murder." Not only does the *Report* fail to recognize that many Members of Congress—including some who serve on this Committee—have also called for an independent inquiry in the Finucane case, the *Report* completely fails to examine or explain the nature of the evidence that has now been made available in the public domain. This evidence includes allegations by former FRU operatives who have exposed the existence of the FRU in the media and to human rights organizations, descriptions of the unit's activities, and statements indicating that the unit was involved in the murder of Patrick Finucane, among others.

Finally, the *Report* fails to offer any assessment of the UK Government's inclusion of its derogation from Article 5(3) of the European Convention on Human Rights in its domestic Human Rights Act, which came into effect in 2000, simply stating that "NGOs criticize this derogation." This development is indeed worthy of criticism, yet the *Country Report* ignores it. At a time when any arguable justification for the derogation has all but disappeared (the European Court has ruled that such a derogation can be made only if "an exceptional crisis or emergency which affects the whole population and constitutes a threat to the organized life of the community of which the state is composed" exists), the UK has chosen to institutionalize this policy. In practice, this will permit the police to detain individuals in Northern Ireland who the government suspects of so-called "terrorist crimes" for 5 to 7 days without charge.

### C. Turkey

Continuing the trend from last year, the *Report* on Turkey is comprehensive and well informed. This extremely thorough analysis reflects a serious commitment on the part of U.S. diplomats in Turkey, and in the DRL bureau, to follow human rights developments in Turkey. Detailed information such as that found in the extensive section regarding torture, is in part available because U.S. Government representatives have consulted with Turkish NGOs and have been present at many high profile trials with a human rights dimension throughout Turkey. Torture, unfair trial and restriction on non-violent freedom of expression remain widespread problems, as the State Department *Report* recognizes.

There are, however, continued deficiencies in the *Report* which merit attention. For example, repeating language from last year, the *Report* asserts in its opening paragraph that "the government generally respects the Constitution's provisions for an independent judiciary." This assertion is not borne out by the facts. State Security Courts try civilians accused of crimes against the state, including individuals accused of non-violent actions. Many prosecutions in such courts appear politically motivated, such as those brought against leaders from the political Islamic movement, the mayor of Istanbul, and non-violent political leaders associated with the Kurdish issue. Advocates such as Akin Birdal, chairman of the non-governmental Human Rights Association, have been tried before State Security Courts as a result of statements or publications criticizing the government's human rights practices. The prosecution of members and supporters of the Human Rights Foundation in Izmir, for example, seems motivated by an official desire to punish the HRFT for the work it has done to expose torture and promote the accountability of police officers implicated in the Manisa case. In a previous prosecution of HRFT members, the HRFT obtained copies of official documents showing that the decision to initiate

prosecutions had been based on political considerations and was communicated in memorandum from the Ministry of Foreign Affairs to the Ministry of Justice. Such politically motivated prosecutions are an important asterisk to the State Department *Report's* assertion that the Turkish judiciary is generally "independent."

Despite these obvious examples demonstrating the lack of independence in the judiciary, the *Country Report* fails to provide a forthright critique of the problem. Instead, in a repeat of last year's language, we get confusing assertions such as "[t]he Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however various officials acknowledge the need for legislative changes to strengthen the judiciary's independence." In commenting on the NSC directives identifying threats to the State, the *Report* merely concludes that such communiques "could be interpreted" as instructions to the judiciary. As for the dominant role of the High Judicial Council in the appointment of judges, the *Report* fails to speak in its own voice or even to take a position, reporting only that the composition of the High Court "could impact the independence of the judiciary."

The *Report* praises the Turkish Government for its continued "emphasis on human rights issues." In particular it noted the far-reaching and progressive "Demirok Report," a blueprint for constitutional, legislative and administrative reforms for compliance with the European Union's political criteria that was drafted by a senior diplomat in the Secretariat of Higher Council for Human Rights. While we agree with the characterization of the Demirok Report, what the *Country Report* fails to note is that the Turkish National Security Council and other powerful conservative groups in Turkey reacted so strongly to the report that Demirok was forced to resign from his post and is now serving in a diplomatic position in Zurich. A revised EU work plan is due out from the Government later this month.

As the *Report* rightly emphasizes, a climate of impunity for human rights abuse in the security forces is an enormous obstacle to improving Turkey's human rights record, particularly in the area of torture. The *Report* states bluntly that "[t]he rarity of convictions and the light sentences imposed on police and other security officials for killings and torture . . . foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse." In the few cases where prosecutions and convictions of police officers have occurred, such convictions have been reversed on appeal or the sentences have been drastically reduced.

The *Report* outlines a number of legal reforms designed to improve laws that have proved to be an obstacle to accountability. But the *Report* fails to note what is needed in order to close the gap between law and practice. Reforming the law is only one part of what needs to be done in order to curtail torture and the other gross violations arising from the absence of accountability. Attitudes need to change throughout the law enforcement and criminal justice communities. Police officers need to know that their superiors will not turn a blind eye to brutality. Prosecutors and judges need to uphold that the principle that torture is always wrong, and they need to have the confidence that when they uphold the law they will not suffer adverse professional consequences. Prosecutors and judges should be supported by other state authorities when they make decisions which may go against state interests or government officials. Lawyers need to approach the task of representing their clients as an essential professional duty, not as a political battle with hostile state forces.

#### *D. China*

The *Country Report* on China is perhaps the most closely watched chapter in the annual volume. This attention has led to a tendency to draft the *Report* with an eye to the "sound bites" that it will generate for immediate attention by the media; these in turn serve as crude indicators of policy for domestic constituencies as well as a diplomatic signal to China. While the "sound bites" this year—that China's "poor human rights record worsened" or that political and religious dissenters live in an "environment filled with repression"—are entirely accurate representations of the current reality in China, they must be matched with policies that effectively address problems of such magnitude. Those policies do not currently exist.

This year's *Report* details profound and widespread violations by China of internationally recognized human rights norms, and these violations must—and must be seen by China to—affect every aspect of its relationship with the United States. This is not to say that promotion of human rights is necessarily served by disengagement with China. Quite the contrary. Further engaging China in the web of international agreements and norms has the potential to catalyze change in the long term. Legal reforms have new resonance in China in the context of an opening economy, and attempts to reform China's commercial legal system could provide a foundation for an independent judiciary and other essential elements of an accountable

justice system. But this must be combined with consistent pressure for improvements from outside China. That is why the pursuit of a resolution condemning China's dismal human rights record at the Human Rights Commission next month is so important. We commend the Administration for pursuing it, as well as those in Congress who have consistently called for such a resolution.

Although engagement may provide a framework in which to foster human rights improvements, engagement must be towards a purpose and will not of itself necessarily lead to any changes in China's human rights performance. Human rights concerns must permeate our interactions with China in all of the issues with which we engage the Chinese government. China should not be able to cut off dialogue or avoid criticism by the United States about its human rights violations simply by refusing to meet with U.S. officials who carry a human rights portfolio. Human rights violations in China undermine U.S. strategic and economic interests there, and that judgment should be reflected in every high level meeting between U.S. and Chinese officials. Human rights should not be portrayed to the Chinese as an area where we will "agree to disagree."

In past years, we have criticized the *Country Report* on China for failing to analyze the complex changes in Chinese law that, if properly implemented, may lead to reform. This year's *Report* continues the welcome trend of the last two years by providing a highly detailed explanation of the legal reforms and the extent to which they have—or have failed to—produce concrete improvements in human rights. This emphasis on systemic legal problems should serve as a model for all the *Country Reports*.

The *China Report* is extremely detailed, and there are many aspects of it worthy of comment. I will focus briefly on just two issues here: police abuse—in particular through the mechanism of "re-education through labor"—and the rights of workers.

The *Report* does a very good job of highlighting the failure of criminal law reforms to address the abusive re-education through labor system, under which authorities can administratively, without trial, sentence individuals to up to 3 years in labor camps. This system has been the subject of serious debate among legal reformers in China, yet the government has increasingly used re-education through labor as an instrument in its crackdown on the Falun Gong. As UN High Commissioner for Human Rights Mary Robinson said last week, the re-education through labor system is "inherently arbitrary." She called on the PRC Government to abolish it altogether. The Bush Administration should do all it can to reinforce this message and should work to ensure that any attempts by China to "reform" the system do not operate to further entrench arbitrary police power.

The *Report* has an extensive section outlining the widespread violations of the rights of Chinese workers. China's ratification last week of the International Covenant on Economic, Social and Cultural Rights was an important step towards drawing China into the web of international agreements and obligations to respect fundamental human rights. But this ratification had a giant asterisk next to it, namely that China insists it will "approach Article 8(1) of the treaty in accordance with the PRC Constitution, trade union law and labor law." China's constitution, trade union law and labor law make clear that there is only one, government-recognized trade union in China. Thus, this statement indicates that China intends to violate the object and purpose of the treaty. China's ratification of this treaty does not change the fact that, as the *Country Report* states, "true freedom of association does not exist" and "[i]ndependent labor unions are illegal." Numerous Chinese labor activists have been sentenced to long prison terms for attempting to defend the rights of workers. Though failure by the United States itself to ratify this important treaty may undermine its influence on this issue, the Bush Administration should nonetheless make clear to the PRC Government that it will not get a free pass for ratifying the treaty; China must bring its labor laws into compliance with international standards.

#### IV. CONCLUSION

These comments represent our initial reaction to the *Country Reports*, and the Lawyers Committee looks forward eagerly to a more substantive discussion of the *Reports* with Administration officials and interested members of Congress once we have had the opportunity to carry out a more extensive review of their content. Nonetheless, even a brief examination of a few key countries makes apparent the general accuracy and professionalism of the *Country Reports* and their enormous contribution to our knowledge of human rights conditions around the world. The challenge remains, as always, to close the sometimes striking gap between human rights reporting and the realities of foreign policy decision-making.

This month, the Lawyers Committee will publish its fourth quadrennial report on Human Rights and U.S. policy. The report, entitled *In the National Interest*, advances the argument that the consistent pursuit of human rights is, in the long run, not only quite compatible with, but is likely to enhance, other U.S. national interests that have traditionally been accorded a higher priority. It contains numerous pragmatic, concrete proposals that, taken together, begin to define and illustrate a coherent human rights policy to serve national and global interests in the future.

The United States has a unique and powerful capacity to shape the extent to which human rights are respected around the world—both through the moral example of its own law- and rights-based society and through the unparalleled reach of its economic, military and diplomatic influence. A solid consensus about the importance of human rights has developed over the last quarter century, largely because it is an area in which U.S. values and interests are closely linked. A principled and vigorous defense of human rights affirms deeply held American values. Those who contest the importance of human rights in policy-making often dismiss it as utopian or sentimental. However, while the belief in universal human rights is rooted in the presumption of shared moral values, human rights abuses occur and flourish in more mundane soil—where governments are unable or unwilling to rule by non-violent means. Such governments make unreliable diplomatic and trading partners; the consequences of their abusive conduct are national and regional instability and conflict.

The search for a human rights policy designed to serve the national interest is at root a pragmatic one. In a turbulent and fragmented world, the national interest of the United States demands stability, the avoidance of conflict, and shared prosperity through global progress on common social and economic principles. It is those who argue for the unfettered pursuit of commerce, or for the primacy of traditionally defined national security interests, who lack hard-headed realism and who are out of step with the needs and demands of the real world at the opening of the 21st Century.

Thank you.

Ms. ROS-LEHTINEN. Mr. Marshall?

**STATEMENT OF PAUL MARSHALL, SENIOR FELLOW, CENTER  
FOR RELIGIOUS FREEDOM, FREEDOM HOUSE**

Mr. MARSHALL. Thank you very much, Madam Chair, for inviting us to appear. Thanks to you and to all the Committee Members for these hearings. They send a powerful message that the American people are not indifferent to crimes against humanity and other gross violations of human rights wherever they may occur.

We will make critical remarks about the reports, but they should not obscure the fact that they are in general an important and excellent piece of work.

First, just some general remarks about the growth of human rights and freedom in the world.

The current struggle for human rights is unfolding in a world in which there is still a forward momentum toward greater freedom. Freedom House's year-end survey, we produce one each year, of freedom in the world shows no let up in the world's two-decade-long march toward increased rights and civil liberties.

In relation to this, there is currently a sharp debate in the United States over how to promote global respect for human rights. On one side, strong proponents of U.S. sovereignty are often very skeptical of international law. On the other side those who argue strongly for permanent institutions to enforce international law. A middle ground to which both sides could perhaps agree rests in the fostering of systematic cooperations among the countries that do adhere more or less to the rule of law and democratic practice.

In this regard, the limited progress made in the last year toward the creation of a community of democracies creates important new possibilities for the future.



On the Human Rights Reports themselves, there is a great need for focus and priority. Perhaps the most frequently cited problem concerning them is that their findings do not correspond to American policy action.

One part of the reason for this is that many of the reports contain an overwhelming compilation of information without reaching definite conclusions or conveying a sense of priority. But such prioritizing is essential if we are to ensure that appropriate focus and concerted action is given by the U.S. State Department, by Congress, as well as by non-governmental human rights groups.

In terms of the situation of particular countries, I will repeat that our overall evaluation is positive, but several individual reports have major problems. We comment on some of these in the written testimony and I will touch on some of them now, beginning with the major one, Sudan.

The report does not convey the sense of genocide—this is the only country to which we have used this term—the genocide of horrifying proportions being conducted by the government of Sudan against Christians and traditional believers in the south.

Despite the 2 million dead and the 4.5 million displaced, the State Department under the previous Administration neglected to evaluate Khartoum's policies against international standards governing genocide.

It is also silent about what other respected authorities have said concerning the situation in the country, concerning bombing humanitarian and civilian targets, advancing slavery, and imposing mass selective starvation.

Others who have called these policies genocidal include the U.S. House of Representatives, the U.S. Commission on International Religious Freedom, the U.S. Catholic Bishops Conference and Nobel Laureate Elie Wiesel.

The National Holocaust Memorial's Committee of Conscience has made Sudan its first non-European country of focus in a year-long process.

In contrast to, for example, the China report, the Sudan report avoids coming to any conclusion or spotting any trends about the annihilation of the rights of the Sudan people. In this respect, the Sudan Peace Act, I believe coming forward today, is especially important.

In terms of Cuba, the State Department has accurately depicted the Cuban government as among the most repressive regimes in the world. Our only additional comment is that human rights abuses have continued unabated and perhaps even intensified in the most recent months. The persecution and harassment of dissidents continues and the government has made it a priority to interfere with, if not entirely prevent, contact between Cuban pro-democracy advocates and the outside world.

In terms of Egypt, the Egypt section is very uneven. Several of the improvements cited are misrepresented or are insignificant in contrast to grave violations. We are concerned that the report may be soft pedaling—

Ms. ROS-LEHTINEN. Mr. Marshall, if you could summarize your statement.

Mr. MARSHALL. Yes. May be soft pedaling the persecution of the Copts in deference to the importance of the Middle East process.

We also comment upon deficiencies in the reports on Turkmenistan, concerning Russia, especially Chechnya, and concerning Saudi Arabia.

In closing, Madam Chair, we would again like to thank you for holding these important hearings and for this opportunity to appear.

[The prepared statement of Mr. Marshall follows:]

PREPARED STATEMENT OF PAUL MARSHALL, SENIOR FELLOW, CENTER FOR RELIGIOUS FREEDOM, FREEDOM HOUSE

#### INTRODUCTION

Thank you, Madam Chairman, for inviting Freedom House's Center for Religious Freedom to testify at today's hearings on the State Department's Country Reports on Human Rights. I am appearing today as a Senior Fellow of the Center for Religious Freedom.

Before beginning, I wish to express our deep appreciation for your leadership in holding these important annual hearings on human rights, and for your personal dedication to ensuring that human rights concerns remain a force in U.S. foreign policy. Such oversight is vitally important both in mobilizing appropriate foreign policy tools by American policy makers, and in sending a powerful message to governments throughout the world that the American people are not indifferent to crimes against humanity and other gross violations of human rights wherever they may occur.

The Country Reports constitute the most detailed human rights compilation in the world. This year's Country Reports reflect a monumental effort on the part of the Bureau for Democracy, Human Rights and Labor. They and all the American Foreign Service officers throughout the world who contributed to the Reports deserve to be commended. In particular, the Report on China is exemplary and could serve as template for other country reports. We will make critical comments about the Reports, but this should not obscure the fact that they are an important and excellent piece of work.

#### THE GROWTH OF FREEDOM

As you may know, Madam Chairman, Freedom House tracks the ebb and flow of democracy and respect for human rights. As the new administration and Congress begin their work, the United States has an opportunity to shape its foreign policy in an environment of democratic states that share America's commitment to democracy, the rule of law, and economic freedom rooted in property rights. This emerging environment should enhance the prospects of broad international cooperation on behalf of the expansion of freedom, prosperity, and stability. This is also an environment in which the violations addressed in the State Department review are able to find greater international resonance and to have a greater impact.

In particular, the struggle for human rights is unfolding in a world in which there is forward momentum toward greater freedom. As the year 2000 drew to a close, Freedom House's year-end Survey of *Freedom in the World* showed no let up in the world's two-decade long march toward increased political rights and civil liberties.

As the year drew to close, there were 86 Free countries (2,465.2 billion people; 40.69 percent of the world population) in which a broad range of political rights are respected; 59 Partly Free countries (1,442.2 billion people; 23.80 percent of the world's population) in which there was a mixed record with more limited political rights and civil liberties often accompanied by corruption, weak rule of law, and the inordinate political dominance of a ruling party in some cases characterized by ethnic or religious strife. There were 47 countries rated Not Free (2,151.1 billion people; representing 35.51 percent of the globe's population), in which basic political rights and civil liberties are denied.

In all, the Survey showed that in the year 2000, there was significant progress toward freedom in 25 countries and significant setbacks for freedom in 18 countries. Moreover, 40.69 % of people living under freedom is the highest in the history of the survey.

Today, there are ten more Free countries than five years ago. In the same period, there has been a decline in the number of Not Free countries by six, and there are three fewer Partly Free countries. The trend is even more dramatic when compared

to the state of affairs a decade ago. Since 1990, there has been an overall increase of 21 in the number of Free countries, an increase of nine in the number of Partly Free states, and a drop of three in the number of Not Free states. These figures reflect an increase of twenty-seven sovereign countries during the decade, largely due to the disintegration and separation of multinational states.

These gains have been registered during a period when many believed that the world was spinning out of control due to a series of bloody and widely reported civil wars and inter-ethnic conflicts. In fact, the Survey evidence shows clear gains for freedom in each of the last seven years. Moreover, Survey evidence indicates that the impression of a growing number of ethnic conflicts is considerably exaggerated. In fact, the last few years have seen an overall decline in the number of major civil wars and interstate conflicts that claim more than 1,000 lives per annum.

Currently, there is a sharp debate that has unfolded over how to promote global respect for human rights. On one side are strong proponents of U.S. sovereignty who are skeptical of the efficacy, reliability, and jurisdiction of a growing body of "international law" that is not subject to the regulation and modification of democratically constituted legislative authority. On the other are those who argue for permanent institutions to enforce international law, including the emerging International Criminal Court.

A middle ground in which both sides could agree rests in the fostering of systematic cooperation among the countries that adhere to the rule of law and democratic practice, and increased cooperation among the democracies in exerting pressure against regimes that violate basic rights and support terrorism.

In this regard, the limited progress made in the last year toward the creation of a Community of Democracies creates important new possibilities. The Community of Democracies—a ministerial level meeting of 107 countries—adopted a wide-ranging declaration in Warsaw in June 2000. The declaration, pledged states to work together in coordinated fashion in assisting transitional societies. It also pledged to create democracy caucuses in global and regional organizations.

Significantly, the Community of Democracies initiative has been followed up at the United Nations, where for the first time a "Caucus of the Democracies" has been established and begun to meet. This can become an important force for the reform of ineffective international organizations.

#### THE NEED FOR FOCUS AND PRIORITIES

As the Human Rights Country Reports have become more comprehensive, they have come to be relied on by many policy makers, immigration officials and judges, the media, and human rights defenders. Precisely because the Reports are viewed by many as authoritative, this exercise of providing critiques to continuously fine-tune and improve the Reports is essential, and not a matter of mere quibbling.

Many of the reports provide excellent summaries of the status of religious freedom. Others need revision. Perhaps the most frequently cited problem with the Reports is that their findings do not always correspond to American policy action.

While there are various underlying explanations, part of the problem is attributable to the Reports themselves. Many of the Reports contain an overwhelming and unselective compilation of facts and information without reaching definitive conclusions, or conveying a sense of priority. Fundamental human rights problems are lost sight of in a welter of detail. Severe violators are hidden in an avalanche of information. In some cases, this may be an attempt to downplay abuses and avoid making embarrassing conclusions about the conduct of valued allies and trading partners—reporting that might lead to calls for sanctions.

There is a need to give real focus and priority designation in a report of this magnitude and type. Prioritizing who are the worst violators, and, within each country report section, which are the most fundamental human rights problems is essential to ensuring that appropriate focus and concerted attention is given by the U.S. State Department, Congress and, as well as non-governmental human rights groups.

Under section 502b of the Foreign Assistance Act, governments that carry out "systematic," and "gross

Such a designation triggers under the Act a Presidential announcement within 90 days of what policies the Administration will adopt to improve religious freedom in the countries in question. This mechanism—priority designation combined with a mandatory policy articulation—is guaranteed to produce a short-list of worst case violators where, hopefully, the US government is willing to expend political capital to end genocide, crimes against humanity, and other severe human rights violations.

The time has come for a similar prioritizing in the general area of human rights. This is shown most urgently in the case of Sudan. While Freedom House's overall evaluation of the Reports is positive, several individual reports have major problems. We will review some of these, beginning with the major one, Sudan.

#### SUDAN

After reading the 18-single-space-page Sudan report, one can only wonder how a report so lengthy could fall so short of the mark. Nowhere does the report convey the sense that genocide of horrifying proportions is being conducted by the government of Sudan against the Christians and traditional believers of the south. The Sudan report suffers from biased assessments, and a failure (perhaps deliberate) to prioritize information. These factors make it stand out as the weakest country report in a compilation that is on the whole very useful and informative.

Despite the two million dead and the 4.5 million displaced, the words "genocide" and "genocidal" never appear in the text. No doubt this is a reflection of the policy of the last administration, which neglected to evaluate Khartoum's policies against international standards of genocide, and assiduously avoided making any such determination despite a specific recommendation by the U.S. Commission on International Religious Freedom. Inexplicably, the report also is silent about other respected authorities in the private sector that have examined and condemned as "genocidal" Khartoum's policies of bombing humanitarian and civilian targets, advancing slavery, and imposing mass, selective starvation. These include the U.S. House of Representatives, the U.S. Commission on International Religious Freedom, the U.S. Catholic Bishops' Conference and Nobel Laureate Elie Wiesel. It fails to mention that no less an authority than the National Holocaust Memorial's Committee of Conscience has made Sudan its first non-European country of focus in a yearlong project.

While the report acknowledges many of the government's worst atrocities, the impact and significance of these actions are lost in a welter of detail in which vastly smaller-scale human rights violations of the rebel forces are "balanced" against descriptions of government actions. For example, the report mentions the fact that the government and the rebels restrict the delivery of international food aid, but does not explain that the government's actions caused 2.6 million people to be brought to the brink of starvation, and actually killed 100,000, two years ago, and continue to cause starvation to this day, while the rebels' sporadic diversion of food aid has never been alleged to cause mass starvation. Again and again, whether discussing civilian deaths or abductions (more accurately, slave raids on the part of the regime) the report neglects to note the overwhelming proportions of government atrocities. The recurring attempts to establish a moral equivalency between the sides of the civil war is a major failing of the Sudan report.

In contrast to the China report, the Sudan report avoids coming to any conclusion or spotting any trends about the annihilation of the rights of southern peoples. While the China report notes a "marked deterioration" in religious rights over the past year, the Sudan report makes no such judgments. This is inexcusable in light of the severity of abuses over the past year, with bombing incidents of civilians having doubled in 2000, and with ever-greater tracts of territory being subject to scorched earth policies of the regime. We are told of comparably minor improvements—e.g., on page 5 that detention of religious believers "decreased in the latter half of the year," and on page 7 that the government's practice of razing squatter dwellings "decreased greatly during the year" and that the enforcement of women's dress codes "was reduced greatly during the year"—but are never told that the murder and displacement of Christians and other minority religious believers continued to rise as the government upgraded its destructive capabilities with new found oil revenues. In fact, the crucial link between oil development in the past year and escalation in the regime's warfare is all but overlooked. The fact that the report repeatedly omits noting these catastrophic trends while accentuating positive minor developments undermines its reliability.

An anti-religious bias is also apparent in the Sudan report. While the report mentions the findings and conclusions of secular human rights groups, no religious-based rights group is cited for its findings. This is peculiar since there are numerous Christian humanitarian agencies on-site throughout the war zones documenting the

atrocities. The Rev. Franklin Graham's Samaritan's Purse Hospital, Christian Solidarity International, Calvary Chapel Sudan project, the Blue Nile Project, Bishop Gassis' Sudan Relief and Rescue, Voice of the Martyrs, Christian Solidarity Worldwide are just a few such sources of valuable facts and figures on bombings, slavery, calculated starvation and genocide.

Finally, in several places the report asserts "there are reliable reports that Islamic NGO's in war zones withhold food and other services from the needy unless they convert to Islam." It then states "there were reports that Christian NGO's used their services to pressure persons to convert to Christianity during the year." The first assertion about Islamic NGO's is well-established and was documented and written about by the U.S. Commission on International Religious Freedom because—and this is the crucial point—they were doing so with U.S. tax-payer supported food aid. Former Rep. Jon Christiansen recently returned from Sudan with photos of humanitarian aid parcels bearing U.S. AID stamps being distributed by an Islamic group on a "conversion-to-eat" basis. Whether the "reports" of Christian pressure to convert were reliable or not the State Department report does not say; the sources have never been revealed. Whether the "pressure" exerted by the Christian groups was the threat of starvation also is not made clear in the report. And lastly, the critical issue of whether the "services" of the Christian groups included the provision of U.S. aid is simply not addressed in the report. Here again the report seems more intent on providing "balance" than in spotting serious human rights problems to which U.S. policy could be directed.

#### CUBA

The State Department report has accurately depicted the Cuban government as among the most repressive regimes in the world. Freedom House likewise regards Cuba as a major violator of human freedom. In our latest survey of political freedom and civil liberties around the world, Freedom House ranks Cuba with Iraq, Burma, Libya, North Korea, and other oppressive states—a group which together constitute a Rogue's Gallery of human rights offenders. The Report is an accurate and thorough overview of the state of human rights in Cuba.

Our only additional comment, much to the misfortune of the Cuban people, is that human rights abuses have continued unabated, and have perhaps even intensified, in the most recent months beyond the scope of the DRL report. The persecution and harassment of dissidents continues unabated. In late December 2000, more than 250 activists were arrested. Maintaining its typical pattern, the government released most of these people within 24 hours of their arrest, although several remain in prison. More than 100 of these arrests took place during the 72 hours leading up to December 10, the 52nd anniversary of the Universal Declaration of Human Rights, and were designed to prevent human rights advocates from staging commemorative events. Whereas Pedro Pablo Alvarez Ramos, the Secretary General of the Council of Cuban Workers, was released from jail in January, Maritza Lugo Fernandez, the acting president of the Democratic November 30 Party, was detained yet again on January 2 and has been held despite increasingly serious health problems. And finally, just days ago, the regime briefly detained a number of prominent pro-democracy advocates, including Elizardo Sanchez Santa Cruz, the president of the Cuban Commission of Human Rights and Reconciliation, in the attempt to prevent activities related to the anniversary of the 1996 shooting down of two civilian planes flown by four Cuban exiles searching for rafters over international waters.

It should also be noted that the Cuban government has made it a priority to interfere with, if not entirely prevent, contact between Cuban pro-democracy advocates and the outside world. In this instance, Freedom House can contribute additional information to the DRL report. Whereas the State Department mentioned the detention or arrest of Swedish and French journalists, Freedom House can report that the Cuban government also detained several other foreign visitors with the aim of hindering person-to-person contact. Last year, two Latvian pro-democracy activists, one Romanian journalist and one Polish journalist were arrested and interrogated as a result of contacts with pro-democracy and human rights activists in Cuba. In reality, their only crime was to talk to people about the current situation in Cuba and to inform Cubans about the process of political and economic transition in Central and Eastern Europe.

This disturbing trend has continued into the new year. On January 12, two prominent Czech citizens, Ivan Pilip and Jan Bubenik, were arrested after meeting with a human-rights activist and an independent journalist in the province of Ciego de Avila. Pilip and Bubenik were held for three weeks, and charges were not brought forward until the final week of their detention. The two were finally released as a result of international pressure. Generally speaking, it appears that the Castro re-

gime will continue to intensify measures designed to control contact between Cuban citizens and foreigners.

Finally, Freedom House has observed that the abusive practice of failing to authorize medical attention for sick prisoners has also continued into 2001. According to a report from the APLO news agency on February 21, two prisoners have died in the Combinado del Este prison in Guantanamo because they did not receive appropriate medical attention. Since 1999, six prisoners have died in Combinado del Este for the same reason.

#### EGYPT

The Egypt section of the State Department's Human Rights Practices Report is very uneven. The serious findings of violations of religious freedom against Egypt's Copts of the last year are undercut by the Report's determination that "The Government generally respected the human rights of its citizens in some areas, and its record improved somewhat over the previous year." In fact, several the improvements cited are either misrepresented—such as the restrictions on church repairs—or are insignificant in contrast to the grave violations, arrests and denials of justice experienced by the Copts over the past year.

For example, the Report describes the massacre of Christians in Al-Kosheh early last year as "clashes" and "exchanges" between Muslims and Christians. The Center for Religious Freedom at Freedom House completed a mission to Egypt last year and has produced a 130-page report on the massacre that shows that all those murdered were Coptic Christians, and that local police were complicit in these actions.

In trials which concluded on February 5, 2001, everyone charged with murder or attempted murder in the massacre was acquitted, an event which has caused outrage among human rights groups and the Christian minority in Egypt. It has also caused fear among the Coptic community, expressed at the highest level, that they do not have any protection from the Egyptian Government.

We are concerned that the Report may be soft-pedaling the persecution of the Copts in deference to the Middle East peace process. The credibility of the Reports hinges on their ability to state accurately and unflinchingly the status of religious freedom irrespective of other U.S. strategic and economic interests. The Egypt section falls short on this score.

#### TURKMENISTAN

(The following comments on Turkmenistan are drawn from information and comments provided to Freedom House by the Keston Institute in the U.K., the pre-eminent authority on religious freedom in former Communist countries). The Report on Turkmenistan—while much stronger and more accurate than in previous years—seriously underestimates the Turkmen government's plan to eliminate non-Sunni Muslim and non-Russian Orthodox religious faiths. The report states only that the government "restricts" unregistered religious communities and presents the numerous cases of specific violations as isolated incidents when in fact they form part of a systematic plan. In particular, the report fails to make clear the full implications of failure to get registration: that all communal activity is then treated as illegal, despite the absence of any law stating this.

Keston has found that *no* non-Muslim or non-Orthodox religious group continues to function without severe harassment. *Any* organized, public religious activity by *any* religious groups apart from Sunni Muslims and Russian Orthodox is treated as illegal and is now subject to targeted and vicious state pressure.

The report also fails to mention expulsion of religious believers from their jobs, the seven Jehovah's Witnesses in prison labor camp for their religious activity or refusal to perform compulsory military service, pressure from KGB and other law enforcement officers on ethnic Turkmen to convert to Islam, the closure of all Baptist Union churches in the country (there were three or four) and also of Ashgabad's Pentecostal church, which is threatened with confiscation.

The neighboring countries of Kazakhstan and Kyrgyzstan are themselves considering harsh new laws on religion that are more likely to be passed if Turkmenistan gets away with its current drive to crush all Protestant activity, even including the Baptist congregation in Ashgabad that was legally registered during Soviet period.

#### RUSSIA/CHECHNYA

The report does not stress that Russian actions against the Chechen people are a program of deliberate and collective punishment of the Chechens and a comprehensive campaign to subjugate them. It also leaves an impression that both sides have equal responsibilities for war crimes. However, the Russian atrocities are far more massive than any Chechen ones. This is illustrated by the recent discovery of

a mass grave of some 200 people near a Russian military base in Chechnya, combined with the fact that not one Russian soldier has ever been convicted of a war crime in Chechnya, either in this conflict or the previous one.

SAUDI ARABIA

The report ignores the situation of Sunni citizens who are not adherents of the official branch, and the book burnings of confiscated Shia and Christian religious books.

CLOSING

In conclusion Madam Chairman, we would like to thank you holding these important hearing and for this opportunity to appear before you.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Marshall.  
Mr. Hartung?

**STATEMENT OF WILLIAM D. HARTUNG, DIRECTOR, ARMS  
TRADE RESOURCE CENTER, WORLD POLICY INSTITUTE AT  
NEW SCHOOL UNIVERSITY**

Mr. HARTUNG. Thank you. I would like to thank the Chairperson and Members of the Committee for this opportunity. I am honored to be on the panel with so many distinguished human rights advocates and I will try to hold up my end of the bargain.

This whole new Administration and new Congress has kind of a retro feel to me because we have a number of appointees, for example, from the Ford Administration who are now in the Bush Administration. So in keeping with that, I am going to quote Jimmy Carter.

Back when he was running for president in 1976, he said "We can't be both the world's leading champion of peace and the world's leading supplier of arms."

I would add a corollary to that. We cannot be the world's leading advocate of democracy and human rights and at the same time be the world's leading supplier of arms to undemocratic governments. But unfortunately, that is exactly the case.

We have good laws in the books. Section 502 of the Foreign Assistance Act says countries that show a consistent pattern of gross violations of internationally recognized human rights should not get U.S. security assistance. Our Arms Export Control Act says U.S. arms should only be supplied for defensive purposes, but the reality is quite the opposite.

Research that we have done recently shows that as of last year, U.S. weapons were present in 39 of the 42 active conflicts in the world, more than 90 percent; that we supplied \$6.8 billion in weaponry to countries that were viewed as undemocratic by the standards of our own State Department's Human Rights Report; and that a majority of our arms exports to the developing world went to undemocratic governments.

So we clearly have a long way to go to make our principles into reality when it comes to arms sales and human rights and that was the purpose of Representative McKinney, Representative Smith, and the bipartisan group that helped get the International Arms Sales Code of Conduct passed into law.

The notion was to have strict criteria on human rights and democracy that would guide our arms export making decisions. That act, first of all, called for the president to introduce these standards

into international negotiations, but, secondly, that the State Department should describe the extent to which the countries in the Human Rights Report meet those standards.

And what I found in doing my own review is that many of our biggest arms recipients certainly do not meet those standards, countries like Indonesia where U.S. weapons have been used by militias to commit massacres with the full cooperation and support of the Indonesian armed forces, as is indicated in the Human Rights Report; in Colombia, where there are also links between the military and death squads, the military and drug traffickers, and where President Clinton actually waived the human rights conditions of the Leahy law about not giving arms to units that commit human rights abuses.

If we look at Turkey where U.S. arms from helicopters on down to small arms have been used in brutal attacks on the Kurdish population and if we look at the war in the Democratic Republic of the Congo where we did a study a few years ago that showed eight of the nine countries that had been directly or indirectly involved in that dispute had received arms and training from the United States.

In particular in my testimony, I look at Rwanda and Uganda because they have been sort of favored governments during the Clinton era, part of this so-called African renaissance of democracy and free markets. The only problem is they are not democracies and it is made very clear in the Human Rights Report that Rwanda is not now and may never be a democracy if we do not pressure them; that Uganda sort of under the guise of running a parliamentary system is running a dressed up one-party state.

And I think if we are going to have the impact that we should have in places like Indonesia, I think it would be important to ask Secretary Powell later today when he meets with the Indonesian foreign minister later month that he not accede to their demands that we resume military ties and military training with that regime until they get their act together, until they reign in those militias, until they get control of their own military people, until they hold accountable people who have committed massacres not only in East Timor, but are harassing refugees in West Timor, democracy activists in Aceh, Irian Jaya province, they have a long way to go before we should start opening up that arms pipeline to Indonesia again and I hope that Secretary Powell will understand and stand firm on that.

In the case of the situation in the Congo with a new leader, Joseph Kabila, with talks starting up again, it is important that our policy be based on strict adherence to human rights principles. I would recommend that we have a moratorium on sales to that part of the world until the troops disengage, until we see progress on human rights. The last thing sub-Saharan Africa needs is more weaponry. They have had virtually non-stop war since the end of the Cold War.

It is time that our Government made a constructive contribution to the problems there, with economic assistance, with diplomacy, and I think that is another issue that Secretary Powell would be very well advised to think about and I hope he may have a chance to raise it with him either today or in the near future.



Finally, with respect to the Human Rights Report, unfortunately, it does not comply with the International Arms Sales Code of Conduct which calls for it to describe how countries do or do not meet those criteria. There is not a word mentioned and apparently the idea of the State Department was, well, we cover the criteria, you can figure it out yourself, you can connect the dots.

Well, I will tell you, I have been doing this for 20 years. That is not an easy thing to do. If they want to meet the spirit of the law, they know the specific section in the Human Rights Report that talks about the extent to which the country, first of all, is a recipient of U.S. arms and training; second of all, are they a democracy, are they engaged in torture, in arbitrary imprisonment, and some of the key factors that are set out in that legislation.

I think with a small amount of work the experts in that bureau could do a great service to the country by making sure that arms sales and human rights are on the agenda in an annual discussion in places like this Committee.

I do not think it would be an onerous task for them to fulfill that important aspect of the law.

Thank you.

[The prepared statement of Mr. Hartung follows:]

PREPARED STATEMENT OF WILLIAM D. HARTUNG, DIRECTOR, ARMS TRADE RESOURCE CENTER, WORLD POLICY INSTITUTE AT NEW SCHOOL UNIVERSITY

#### INTRODUCTION

I'd like to start by thanking the members of this subcommittee for the opportunity to address you on this critical topic. Let me also say that I am honored to be on this panel with representatives of Human Rights Watch and Amnesty International, organizations with distinguished records of accomplishment in the struggle for human rights and the rule of law, both in this country and around the world.

At the outset, I'd like to underscore one overriding reason why the question of the impact of U.S. arms transfers on human rights has special significance. According to the United States government's own figures, as reported by Richard Grimmert of the Congressional Research Service, the United States is the world's leading arms merchant. U.S. weapons sales accounted for 54% of all international arms deliveries in 1999, the most recent year for which full statistics are available. That's more than four times the value of arms exported by the next biggest supplier, the United Kingdom; more than seven times the levels registered by France and Russia; and *fifty-four times* the level of conventional arms exports registered by China.<sup>1</sup>

It appears that this position of U.S. dominance in the weapons trade is likely to continue for some time to come: in 1999, the State Department granted a record \$53.7 billion in arms export licenses.<sup>2</sup> Although not all of these licenses will result in final sales, they are a disturbing indicator of a pro-export attitude that has permeated Executive Branch policymaking on arms transfers throughout the post-Cold War period.

As the leading arms supplier—and as the world's oldest, most widely respected democracy—the United States has a special obligation to set strict standards about the kinds of governments that receive U.S. weaponry. If we don't do it, no other nation will. As Jimmy Carter put it in 1976, “we cannot have it both ways. We can't be both the world's leading champion of peace and the world's leading supplier of arms.”<sup>3</sup>

I have been working on the issue of U.S. arms transfers since the late 1970s, when the Carter administration's policies of promoting human rights and arms transfer restraint were beginning to give way to allegedly more “realistic,” hardline

<sup>1</sup> Richard F. Grimmert, *Conventional Arms Transfers to Developing Nations, 1992–1999* (Washington, DC: Congressional Research Service), August 18, 2000, p. 74–76.

<sup>2</sup> Conventional Arms Transfer Project, Council for a Livable World, “Arms Trade Insider #38: It's Alive,” December 15, 2000, available on the web at [www.clw.org/cat/inside38.html](http://www.clw.org/cat/inside38.html).

<sup>3</sup> For the Carter quote, see Committee on Administration, U.S. House of Representatives, *The Presidential Campaign, 1976, Part I: Jimmy Carter* (Washington, DC: U.S. Government Printing Office, 1978), pp. 266–275.

policies. Under the guise of strengthening longstanding allies like the Shah of Iran and winning over former adversaries like the People's Republic of China, the Carter administration walked away from its commitment to reduce the United States role as the world's leading arms merchant.<sup>4</sup> More than twenty years later, I believe more strongly than ever that when it comes to arming human rights abusers, the self-appointed "realists" are the ones who are living in a dream world, while the advocates of restricting arms exports to repressive regimes are the ones who are grounded in reality.

From Iran to Indonesia, and from Central America to the Congo, our nation's role as the world's leading arms merchant has done far more harm than good. Using arms sales as a way to win friends and intimidate adversaries has not only fostered serious human rights abuses in the recipient nations; it has also undermined U.S. interests by spreading instability and fueling conflict.<sup>5</sup>

It's time to make human rights the *primary* consideration in U.S. arms sales decision-making, not just one factor among many. We need to move beyond the point where, on issues of national security concern, human rights considerations are routinely cast aside in favor of more pressing, "pragmatic" concerns. At the dawn of a new millennium, in the first few months of a new administration and a new Congress, it is time to take a serious look at the impact of U.S. arms sales on human rights with an eye towards changing our arms sales policies for the better. It is my hope that today's hearings will be an important step in that process.

#### U.S. POLICY: RHETORIC MEETS REALITY

On paper, the United States probably has the best laws anywhere on the issue of arms exports. On arms and human rights, Section 502B of the Foreign Assistance Act mandates that "no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights." On arms and aggression, Section 4 of the Arms Export Control Act authorizes provision of U.S. military equipment and training only for purposes of internal security, "legitimate self-defense," or participation in United Nations peacekeeping operations or other operations consistent with the U.N. charter.<sup>6</sup>

In practice, U.S. arms transfer policy diverges sharply from these sound principles of human rights and non-aggression. Nearly six years ago, in one of the first major research reports produced by my project, *U.S. Weapons at War*, we took a look at just how large the gap between rhetoric and reality is in U.S. arms transfer policy. I won't bore you with all the details, but I will cite some of the relevant findings:

- In the ten years from 1986 to 1995, the United States had delivered \$42 billion worth of armaments to parties to 45 ongoing conflicts.
- Of the significant ethnic and territorial conflicts under way during 1993/94, 90 percent of them—45 out of 50—involved forces that had received U.S. weaponry or military technology in the period leading up to the conflict.
- In a painful demonstration of the "boomerang effect," U.S. arms or U.S. military technology found its way into the hands of U.S. adversaries in Panama, Iraq, Somalia, and Haiti. In addition, a significant portion of the \$6 billion in covert U.S. arms and training that went to Afghan rebel groups in the 1980s was funneled to right-wing Islamic fundamentalist forces that have utilized these resources to attack U.S. allies and U.S. citizens.<sup>7</sup>

In a report that I like to view as a companion piece to our *Weapons at War* report, our colleagues at Demilitarization for Democracy, which is now a project of the Center for International Policy, looked specifically at the question of what proportion of U.S. arms sales goes to repressive regimes. The first edition of that report, *Dictators or Democracies?—U.S. Arms Transfers to Developing Countries 1991–1994*, found that non-democratic governments received 85 percent of the \$55.2 billion in American weapons that were transferred to foreign governments between 1991 and 1994. By the time the fourth edition of this report was released in April 1999, the percentage of U.S. arms transfers to the developing world going to undemocratic

<sup>4</sup>For an analysis of the rise and fall of the Carter arms transfer restraint policy, see William D. Hartung, *And Weapons For All* (New York: HarperCollins, 1994), pp. 63–83.

<sup>5</sup>For a succinct review of the negative consequences of runaway arms trafficking for U.S. security, see William D. Hartung, "U.S. Conventional Arms Transfers: Promoting Stability or Fueling Conflict?" *Arms Control Today*, November 1995, pp. 9–13.

<sup>6</sup>"Arms and No Influence," in Lora Lumpe, editor, *Arms Sales Monitor*, November 27, 1994, pp. 1–2, available on the web at [www.fas.org/asmp/library/asm/asm27.htm](http://www.fas.org/asmp/library/asm/asm27.htm).

<sup>7</sup>William D. Hartung, *U.S. Weapons at War* (New York: World Policy Institute, June 1995) pp. 1–3.

governments had dropped to 47%—still a shockingly high level for a nation committed to the principles of human rights, democracy, and non-aggression—but, to make matters even worse, the dollar value of U.S. weaponry delivered to undemocratic governments reached a record level of \$7.3 billion. In the latest edition of the report, issued in November 2000, the Center for International Policy found that during Fiscal Year 1998 54% of U.S. arms transfers to the developing world went to undemocratic governments, representing total transfers of \$5.8 billion to these regimes in that year.<sup>8</sup>

The reality of runaway U.S. arms transfers to questionable regimes documented in these reports—and in the work of other non-governmental watchdog groups including Amnesty International, the Arms Project at Human Rights Watch, the Arms Sales Monitoring Project at the Federation of American Scientists, the Council for a Livable World, the Friends Committee on National Legislation, the Center for Defense Information, and the British American Security Information Council, to name just a few of the organizations that put time and effort into this important issue—is what motivated a network of members of Congress from both parties, including Senators Mark Hatfield (R-OR) and Byron Dorgan (D-OH) and Representatives Cynthia McKinney (D-GA), Dana Rohrabacher (R-CA), and Chris Smith (R-NJ) to press for the establishment of a Code of Conduct on U.S. arms transfers.<sup>9</sup> The idea behind the Code of Conduct was to firmly establish detailed criteria on human rights, democracy, and non-aggression as primary factors in decisions by the U.S. government about which countries are eligible to receive U.S. arms and training. Although the bill did not become law in its original form, a modified version, the International Arms Sales Code of Conduct Act of 1999, was enacted as an amendment to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act for Fiscal Years 2000 and 2001.

The International Arms Sales Code of Conduct Act had two main elements: 1) Calling upon the president to “attempt to achieve the foreign policy goal of an international arms sales code of conduct” by “taking the necessary steps to begin negotiations within appropriate international fora” toward that end; and 2) Calling upon the Secretary of State to “describe the extent to which the practices of each country meet the criteria” of the code of conduct in the annual human rights report to Congress.<sup>10</sup>

The criteria enumerated in the International Code of Conduct are worth referencing here, because they represent the most explicit effort to date on the part of the Congress to articulate the link between decisions on U.S. arms transfers and military training and the human rights performance of recipient nations. The relevant sections of the law are as follows:

“The President shall consider the following criteria in the negotiations referred to in subsection (a):

- (1) Promotes democracy.—The government of the country—
  - (A) was chosen by and permits free and fair elections;
  - (B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;
  - (C) promotes the rule of law and provides its nationals the same rights they would be afforded under the United States Constitution if they were United States citizens; and

<sup>8</sup>Project on Demilitarization and Democracy, *Dictators or Democracies?—U.S. Arms Transfers to Developing Countries 1991–1994*, August 1995, pp. 1–2; Demilitarization for Democracy, *Arms Un-Control: A Record Year for U.S. Military Exports*, April 1999, p. 7; and David Lochhead and James Morrell, *Arms Trade: U.S. Outsell All Others Combined* (Washington, DC: Center for International Policy, November 2000), pp. 11–13, available on the web at [www.ciponline.org/WWROOT/Armstrade—IPR/irp.htm](http://www.ciponline.org/WWROOT/Armstrade—IPR/irp.htm).

<sup>9</sup>See Friends Committee on National Legislation, “Legislative History of the Code of Conduct,” available online at [www.fcnl.org/issues/arm/sup/codhis.htm](http://www.fcnl.org/issues/arm/sup/codhis.htm).

<sup>10</sup>Summary material and quotes on the legislation are drawn from International Arms Sales Code of Conduct Act of 1999, Part of HR 3194, Consolidated Appropriations Act, 106th Congress, 1st Session, Subtitle F of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. For a good source of background on the evolution of arms transfer codes of conduct in the United States, the European Union, and internationally (the Nobel Laureates Code of Conduct organized by a commission headed by Dr. Oscar Arias, the former President of Costa Rica), see the web site of the Arms Sales Monitoring Project of the Federation of American Scientists at [www.fas.org/asmp/campaigns](http://www.fas.org/asmp/campaigns), and click on Code of Conduct.

- (D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption;
- (2) Respects human rights.—The government of the country—
  - (A) does not persistently engage in gross violations of internationally recognized human rights, including—
    - (i) extrajudicial or arbitrary executions;
    - (ii) disappearances;
    - (iii) torture or severe mistreatment;
    - (iv) prolonged arbitrary imprisonment;
    - (v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and
    - (vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;
  - (B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;
  - (C) permits access on a regular basis to political prisoners by international humanitarian organizations;
  - (D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;
  - (E) does not impede the free functioning of domestic and international human rights organizations;
  - (F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.”

#### U.S. ARMS TRANSFERS AND HUMAN RIGHTS ABUSES: THE RECENT RECORD

I will devote the rest of my testimony to an analysis of the extent to which recent U.S. arms transfers meet the criteria set out in the International Arms Sales Code of Conduct. Finally, in a point which is of particular relevance to today's proceedings, I will discuss the question of whether the State Department's human rights report, as currently structured, fulfils the letter and the spirit of the law by describing the extent to which the nations covered in the report meet the criteria set out in the International Arms Sales Code of Conduct.

As a first cut at the question, I will try to provide a rough and ready update of the benchmarks referenced above with respect to provision of weaponry to areas of conflict and undemocratic governments. In our preliminary research for a forthcoming update of our “Weapons at War,” report, my colleague Michelle Ciarrocca determined, based on a list of conflicts under way during 1999 developed by the Canadian research group Project Ploughshares, that the United States had supplied arms or military technology to parties to more than 92% of the active conflicts worldwide—39 of 42—a slight *increase* from the 90% figure that obtained when we did a similar assessment in 1995. While in some cases the levels of U.S. arms and training were relatively modest, in well over one-third of the conflicts—18 of 42—the United States was a major supplier, providing anywhere from 10% to 90% of the arms imported by the government party to the dispute.

On the question of arms transfers to undemocratic governments, I am not in a position to replicate the kind of detailed research done by my colleagues at the Center for International Policy, referenced above. But in reviewing the human rights records of major recipients of U.S. arms and military training as presented in the State Department's human rights report for 2000, I have been able to get a rough indication of how much U.S. weaponry continues to flow to governments with records of serious human rights violations. Drawing on statistics from the Pentagon's Defense Security Cooperation Agency on deliveries under the Foreign Military Sales and Commercial Sales programs during Fiscal Year 1999, the United States delivered roughly \$6.8 billion in armaments to nations which violate the basic standards set out in the International Code of Conduct on Arms Sales. This figure is based on a conservative assessment, which includes only countries with major human rights problems, such as an inability of the people to effect a peaceful change of government, or poor records on a number of key indicators, such as involvement in extrajudicial killings and torture combined with a record of active repression against civilian non-combatants and/or non-governmental human rights monitoring

organizations. Of this \$6.8 billion, \$5.3 billion went to developing nations, representing more than 55% of U.S. transfers to developing nations during F.Y. 1999.<sup>11</sup>

So, if we look at the big picture, we clearly have a long way to go before our values of democracy and human rights are adequately reflected in the arms transfer policies of the United States. But numbers alone are not sufficient to tell the story. The real tragedy of our current policy can be seen by looking at some concrete examples of how U.S. weapons are being used.

#### INDONESIA:

When anti-independence militias organized and assisted by the Indonesian armed forces went on a violent killing spree in East Timor in September 1999, they were equipped with U.S.-origin M-16 rifles and other U.S.-origin equipment. The militias had received the bulk of their weaponry from members of the Indonesian armed forces, which had received over \$1 billion in U.S. arms and training since their 1975 invasion and illegal occupation in East Timor. It was only *after* the massive public outcry generated by the massacres in East Timor that the Clinton administration finally cut off all U.S. arms and training to the Indonesian military. Within six months of the massacres, Dennis Blair, the head of the U.S. Pacific Command, was already lobbying for a resumption of U.S. ties. But in the months leading up to the massacres, the Pentagon either did not or could not use the widely touted "leverage" that U.S. arms transfers allegedly provide to rein in the Indonesian military or its allies in the militias.<sup>12</sup>

In the period since East Timor gained its independence, the pattern of serious human rights abuses committed by the Indonesian military has continued, both with respect to Timorese citizens and in Indonesia proper. The Indonesian armed forces have failed to rein in the militias, which have been terrorizing and murdering East Timorese refugees in the camps in West Timor, and in a number of cases members of the Indonesian armed forces have continued to collaborate with militia forces. The Indonesian armed forces have also been implicated in the murders of civilians in the Indonesian provinces of Irian Jaya, Aceh, and Maluku.

These violations are well documented in the State Department's Indonesia country report on human rights, which notes, for example, that in Aceh, "army and police personnel committed many extrajudicial killings," that in Irian Jaya (Papua) "police shot and killed persons involved in largely peaceful Papuan independence flag-raising and demonstrations"; and that "East Timorese pro-integration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings." The State Department report goes on to note that "the military or police are rarely held accountable for committing extrajudicial killings or using excessive force."

The recent record of the Indonesian armed forces in no way measures up to the standards set out in the International Arms Sales Code of Conduct. Yet later this month, Indonesian Foreign Minister Alwi Shihab is scheduled to meet with Secretary of State Colin Powell to lobby for resumption of full military ties between the United States and Indonesia, a move which has been adamantly opposed by the East Timor Action Network and the newly founded Indonesian Human Rights Network, which I am affiliated with as a board member. If the human rights report made a more explicit reference to the historic U.S. arms supply relationship with Indonesia, and referenced the standards set out in the International Arms Sale Code of Conduct, it would establish a more conducive atmosphere for serious, well-informed, ongoing policy discussions of the links between arms transfers and human rights.

<sup>11</sup> Calculations by the author, based on a review of the write-ups in the latest State Department human rights report on the following major U.S. arms recipients: Indonesia, Malaysia, the Philippines, Singapore, Thailand, Egypt, Jordan, Kuwait, Oman, Saudi Arabia, the United Arab Emirates, Turkey, Chad, Ethiopia, Guinea, Rwanda, Uganda, Bolivia, Colombia, Ecuador, and Peru. This list of nations with significant human rights problems is not meant to be definitive, and arguments can be made about whether each and every one of the nations listed would qualify under the conditions set out in the International Arms Sales Code of Conduct; but it represents a good faith effort to make a determination by comparing the information contained in the human rights report with the standards set out in the international code.

<sup>12</sup> John Donnelly, "Pentagon Reluctant to Isolate Indonesia," *Boston Globe*, September 11, 1999; Holger Jensen, "U.S. Can't Plead Innocent in East Timor Repression," *Denver Rocky Mountain News*, September 16, 1999; and William D. Hartung, "U.S. Must Face Its Responsibilities in Indonesia—American Weapons and Training Are Behind the Forces Bringing Terror to East Timor," *Charlotte Observer*, September 15, 1999.

## TURKEY:

Although it has a functioning, parliamentary democracy, Turkey also has a long-standing record of restricting freedom of speech and association, and a record of brutal repression against its Kurdish population. Turkey is also a major recipient of U.S. arms and training, receiving a total of \$10.5 billion in U.S. arms from 1984, when its war against Kurdish rebels began, through 1998.<sup>13</sup> According to statistics from the Pentagon's Defense Security Cooperation Agency, U.S. arms flows to Turkey continued at a rapid clip in 1999, with over \$1.5 billion in weapons delivered.

Going back to the mid-1990s, a series of reports by independent monitoring groups like Human Rights Watch and by our own State Department have documented the use of U.S. weaponry to bomb and burn Kurdish villages in south-eastern Turkey, as well as the use of U.S.-supplied light weaponry in specific human rights violations. Because of this record, a number of U.S.-based human rights and arms control organizations have been working to block a pending sale of U.S. attack helicopters to Ankara until such time as the Turkish government makes major, measurable improvements in its human rights performance. The country report on Turkey gives ample evidence of the need for caution in promoting major new arms transfers to Ankara at this time. The department reports "credible reports of extrajudicial killings by government authorities continued"; that "Police harass, beat, and abuse demonstrators,"; that "Arbitrary arrest and detention continue to be problems"; and it also cites evidence of potential involvement of Turkish military officials in efforts to "discredit Fazilet and HADEP parties, Human Rights Association (HRA) Chairman Akin Birdal, and several journalists." In addition, the report notes that despite a virtual cessation of activities on the part of the Kurdish Worker's Party (PKK) guerrilla movement, four southeastern provinces remain under a state of emergency which amounts to "quasi-martial law."

## COLOMBIA:

The link between arms and human rights in Colombia is of particular urgency given the acceleration of U.S. arms and training to Bogota through the \$1.6 billion "Plan Colombia" aid package, which calls for the provision of U.S. transport and attack helicopters, training of three anti-narcotics brigades, U.S. involvement in defoliation of coca growing areas, and a major intelligence and logistical support effort for the Colombian armed forces. The longstanding human rights problems of the Colombian armed forces, including links to both drug traffickers and right-wing death squads, are so deep-seated that President Clinton chose to waive the provisions of the Leahy law with respect to military aid provided under Plan Colombia. As members of the subcommittee are no doubt aware, the Leahy law prohibits U.S. security assistance from flowing to military units that have been implicated in human rights abuses, unless there is a credible process under way to prosecute those responsible for the abuses. By waiving the Leahy law provisions, President Clinton reinforced the notion that in a military "crisis," we can somehow afford to suspend our concern for human rights. From Vietnam to Central America to the Andes, this attitude—that we can ally with human rights abusers in a crisis and deal with the consequences later—has been at the heart of some of the most debilitating foreign policy debacles in the history of this nation.

The following summary paragraph from this year's country report provides ample evidence of why human rights concerns *must* be taken into account with respect to any arms transfers and training efforts contemplated under Plan Colombia:

"The Government's human rights record remained poor; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudicial killings. Despite some prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members

<sup>13</sup> On U.S. arms to Turkey, see Tamar Gabelnick, William D. Hartung, and Jennifer Washburn, *Arming Repression: U.S. Arms Sales to Turkey During the Clinton Administration*, a joint report of the Federation of American Scientists and the World Policy Institute, October 1999, available on the web at [www.worldpolicy.org/projects/arms](http://www.worldpolicy.org/projects/arms). See also U.S. Department of State, *Report on Allegations of Human Rights Abuses by the Turkish Military and on the Situation in Cyprus*, June 1995; and Human Rights Watch, *Weapons Transfers and Violations of the Laws of War in Turkey*, (New York: Human Rights Watch, November 1995).

of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.”

#### DEMOCRATIC REPUBLIC OF THE CONGO:

The Democratic Republic of the Congo is in the midst of a violent, chaotic, multi-sided civil war involving at least seven governments and a dozen or more militia groups. Although the United States has not supplied arms and training to the government of the DRC since the early 1990s, when it was still known as Zaire, the legacy of U.S. arms transfers is still having a major impact on the war. The United States supplied roughly \$300 billion in arms and \$100 million in military training to the Mobutu regime during its 32-year reign of terror in Zaire, which ended in 1997 when rebels backed by Rwanda and Uganda and led by Laurent Kabila seized power in Kinshasa. In a report that my colleague Bridget Moix and I released in January of 2000, we found that in the 1990s, the United States continued to pour weaponry into Africa, albeit at a somewhat slower pace than during the Cold War; and supplied more than \$125 million in arms or training to eight of the nine governments that were directly or indirectly involved in the Congo War.<sup>14</sup>

The recent death of Laurent Kabila, coupled with the ascent to power of his son Joseph Kabila, has raised hopes that peace talks can be revived and the war in the DRC might finally be brought to an end. However, in seeking to promote peace, the United States needs to take a closer look at who its allies are in the DRC conflict. Both Rwanda and Uganda were favored recipients of U.S. arms and training during the Clinton administration, and their leaders, General Paul Kagame in Rwanda and President Yoweri Museveni of Uganda, were hailed as exemplars of a “new generation” of democratic-minded, market-oriented leaders in Africa. Apparently the Clinton administration’s phrase makers neglected to focus on the fact that neither nation is a democracy by any reasonable understanding of the term.

In Rwanda, for example, the country report notes that “the Government’s human rights record remains poor” and “citizens do not have the right to change their government.” In addition, the State Department notes that “the security forces committed extrajudicial killings within the country” and that there were “many reports, some of which were credible, that Rwandan army units operating in the Democratic Republic of the Congo committed deliberate extrajudicial killings and other serious abuses.” National elections, which have not been held since General Kagame took power in 1994 via a vote of the National Assembly, have now been postponed until at least 2004.

In Uganda, the country report also states that “the Government’s human rights record was poor,” and that “there continue to be numerous, serious problems.” The report further states that “security forces used excessive force, at times resulting in death, and committed or failed to prevent some extrajudicial killings of suspected rebels and civilians.” Arbitrary arrest and detention, torture, and “harsh and life-threatening” conditions in Ugandan prisons are also cited as problems. Restrictions on opposition parties have in effect rendered Uganda a one-party state, which has, in the words of the State Department, “limited the citizens’ effective exercise of the right to change their government.”

Given these serious human rights problems with two of the United States’ closest allies in the region, not to mention the environment of nearly non-stop war that has ravaged key regional states in recent years, the time is ripe to consider a moratorium on U.S. arms and training to the region, ideally linked to efforts to pressure other governments to follow suit, and to put resources into enforcement of embargoes on parties to the DRC conflict until such time as they cease fighting and withdraw troops from contested zones. Only then, when there has been progress towards disengagement, should assistance be considered, ideally in the form of economic aid to help with demobilization, disarmament, and the development of economic alternatives to war.

#### CONCLUDING THOUGHTS

Given the overview and examples I have cited today, it is clear that we have a long, long way to go before U.S. ideals of democracy and human rights become serious factors in our government’s decisions on which military forces to arm and train. But the fact that we are having this hearing, and that the Congress has shown bipartisan support for the concept of conditioning U.S. arms transfers on standards of human rights and democracy, suggests that this is no time to give up hope.

<sup>14</sup> William D. Hartung and Bridget Moix, *Deadly Legacy: U.S. Arms to Africa and the Congo War* (New York: World Policy Institute, January 2000), pp. 1–3.

One small but important step that can and should be taken immediately is for the State Department to abide by the spirit and letter of the International Arms Sales Code of Conduct law by taking specific steps to describe whether or not U.S. arms recipients covered by the human rights report live up to the standards set out in that legislation.

Apparently the department's position has been that since most of the human rights indicators embodied in the code are discussed in the report, they need take no additional steps. But as a person who has spent most of my adult life working on issues related to arms transfers and human rights, I can testify that this approach is woefully inadequate.

Absent information about the U.S. arms transfer and military training relationship with a given country, AND an enumeration of the key elements of the Code of Conduct with some discussion of whether a given nation is meeting those standards, it is virtually impossible to "connect the dots" to make an assessment of which nations covered by the report meet the code's human rights and democracy criteria. What is needed to comply with the law is a specific discussion of each country's adherence to the code criteria, along with information on the status of U.S. arms transfer and training programs targeted to that nation. The discussion need not be exhaustive, but it is well worth a paragraph or two of analysis for each country. The resulting product would be far more useful as a spur to annual discussions about how far we have come as a nation in harmonizing our arms export and military training decisions with our commitments to democracy and human rights. Given that the State Department has made great strides towards providing objective assessments of the human rights records of allies and adversaries alike, this additional bit of analysis on adherence to the criteria set out in the Code of Conduct would not be an onerous task involving additional research. It would simply involve having the experts who write up the reports draw out the comparisons between the country's human rights performance and the standards set out in the International Arms Sales Code of Conduct law. For a modest additional effort, we could have an extremely useful tool for stimulating official discussion and policy debate on the link between U.S. arms transfers and human rights.

Thank you again for this opportunity, and I welcome any questions you may have.

Ms. ROS-LEHTINEN. Thank you. Thank you so much. Not only was that part ignored, that was a bill that Congresswoman McKinney and Congressman Smith worked so hard on. Also Mr. Salinas has mentioned retaliation on people who are forced back to Cuba, we had passed that also into law, expecting it into the Human Rights Report and that was also ignored by the State Department. We hope to bring that up to Secretary Powell as well.

Thank you.

Mr. Rickard?

**STATEMENT OF STEPHEN RICKARD, DIRECTOR, ROBERT F. KENNEDY MEMORIAL CENTER FOR HUMAN RIGHTS**

Mr. RICKARD. Madam Chairwoman, it is an honor to be here before you and with this distinguished panel. I join my colleagues in expressing my congratulations at your selection as the new Chair of the Committee. We look forward to working with you and with your staff, as we have with the Subcommittee in the past under its distinguished Chairman.

We also congratulate Congressman Smith for his selection as Vice Chairman of the Full Committee and to say simply that we consider the members of this panel true human rights champions, our best partners in the struggle, the worldwide struggle, and we are extremely grateful for all that you do in this area.

I will not duplicate the testimony of others. There is much in my written testimony about some specific reports, but let me focus specifically on the question of the Human Rights Bureau and how it is doing and what can be done to strengthen it.



The Human Rights Bureau is the product of this Committee. This Committee is the parent of the Human Rights Bureau. The State Department did not want it, the Congress wanted more done on human rights, it wanted a specific institutionalized focus on human rights and it decided the only way to get that was to create an assistant secretaryship and to mandate that these reports be written.

These reports are not written because the State Department wants to write them, they are written because this Committee said we want these reports.

So a quarter of a century later, how is the bureau doing?

Now, certainly Congress' interest in human rights has not waned over the last quarter century. We started pulling off the computer human rights mandates that Congress has placed on the bureau in the last Congress alone, on sexual trafficking, arms trafficking, labor rights, Sudan, Kenya, Tibet, Laos, Austria. Congress cares about human rights. This Committee cares about human rights.

So the question is how is the bureau that you all created doing? Is it flourishing? And the answer is it is not.

Despite the very important increases that this Subcommittee and this Committee fought for which have improved the situation significantly, the fact is that the bureau is still marginalized and weak within the department.

Let me give you a few examples.

It remains one of the smallest bureaus in the building, significantly smaller than bureaus, for instance, like public affairs. It receives  $\frac{1}{3}$  of 1 penny on every dollar you give the State Department to do its work. One-third of 1 penny out of every dollar you give it.

I believe that its budget is actually smaller than a number of government-funded, quasi-governmental organizations like the U.S. Institute for Peace and the East-West Center. It has about half the budget, actually, significantly less than half, of the U.S. section of Amnesty International.

There are country desk officers in DRL who are responsible for covering as many as 33 countries. The entire travel budget for the bureau, I believe, is in the range of \$250,000. That is for the entire bureau for the entire year.

In a typical year, DRL to get its work done, has to fill its slots with one-third interns, fellows and detailees. Career development officers tell Foreign Service officers not to go to the bureau because of the impact it will have on their career and in a very telling example, to add insult to injury, it was the very last bureau in the entire department to have its WANG computers put out to pasture.

What does DRL need to be the champion for human rights that this Committee wants it to be?

It does an outstanding job with what it is given. But it needs adequate resources to do the job, it needs a pot of money that it can bring to human rights democracy emergencies, and it needs to be able to post officers abroad who are designated human rights officers.

Now, fortunately, all of these points are included in bipartisan legislation that was introduced last Congress by the Chairman Emeritus of this Committee, Mr. Gilman, with the support of then-

Ranking Member, Mr. Gejdenson, the Human Rights Investment Act.

The Human Rights Investment Act says very simply we want one penny on the dollar, just one penny on the dollar, spent on human rights. We want an increase for the Human Rights and Democracy Fund, we want DRL to be able to post officers abroad. It also does important things in the area of arms transferring.

Now, much more on this subject is in my written testimony and I look forward to responding to your questions, but when I was considering this other major new Human Rights Report that Congress asked the department to write on religious persecution every year, I was struck by the gap between Congress' interest in human rights and the amount of money that is being devoted to it. I was reminded of a passage from Exodus in which Pharaoh says, "You shall no longer give the people straw to make bricks, let them go and gather straw for themselves, but the number of bricks which they made heretofore you shall lay upon them, you shall no means lessen it."

I think that if the Congress wants the department to do good human rights work, it has got to give it straw to make bricks.

Now, I think the department needs money as well and I know you are going to hear from Secretary Powell that the entire department needs building and there will be great wailing and weeping and renting of clothing if there is a mandate that within a shrinking budget 1 percent be allocated to human rights. But I urge you, I implore you, to say to Secretary Powell there are two questions here: how big is the pie, how are you slicing the pie? If you want support from the Congress for increased funding for human rights activities, you have to respect Congress' interest in seeing a strong human rights policy.

I implore the Congress to give the department straw to make bricks, but I suggest that the department has to give the Human Rights Bureau the straw to make bricks if it wants a solid human rights foundation built.

[The prepared statement of Mr. Rickard follows:]

PREPARED STATEMENT OF STEPHEN RICKARD, DIRECTOR, ROBERT F. KENNEDY  
MEMORIAL CENTER FOR HUMAN RIGHTS

It is an honor to be invited to address the Subcommittee on International Operations and Human Rights. I would like to begin by offering our congratulations to the new Chair of the Subcommittee. We look forward to working with you and the staff.

I would ask at this time that my full statement be submitted to the record and I will summarize it for the Subcommittee.

By way of background, the Robert F. Kennedy Memorial Center for Human Rights was created in 1988 to support the work of the brave human rights defenders who have received the RFK Human Rights Award. There are today 29 RFK Human Rights Laureates in 16 countries, including Colombia, Sudan, Turkey, China, Indonesia and others. The current RFK Human Rights Laureate is Martin Macwan of India who campaigns on behalf of the 160 million Dalits, the so-called "untouchables".

I have been asked to discuss the implications of the annual human rights reports for resource allocation within the Department of State and within US aid programs. Before turning to that topic, however, I would like to address several points concerning the reports themselves. You have already heard from several very able witnesses on the reports, so I will not duplicate their excellent testimony. I would, however, like to make a few points about the reports in general and a few points about some specific reports.

First, as has been true in most cases for some time now, the reports are generally strong and accurate; they represent a real contribution. Even on the politically difficult countries—what I call, the “litmus tests for candor”—the reports have generally done a good job. Let’s be frank: there’s little reason to expect anything other than tough reports on the pariah countries like Burma and North Korea, or on countries where there is a political constituency for a tough report, like Iran or Libya. But what about China, Turkey, Israel and Colombia? Again, this year the reports generally pass the litmus test. China’s “poor human rights record worsened. . . .” In Turkey torture is “widespread” and “[t]he rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse.” Israel’s “overall human rights record in the occupied territories was poor” with the IDF “often” using excessive force during demonstrations. The Colombian government’s human rights record is “poor” with senior officers almost never convicted of human rights offenses and military collaboration with violent paramilitaries.

These statements may be serious indictments of US policy towards these countries, but they also represent a commitment to telling the truth in these reports—even when it is politically inconvenient. The Administration and, in particular, those in the Bureau of Democracy, Human Rights and Labor (DRL) with primary responsibility for preparing the reports, deserve great credit on that score.

There are, however, areas where we did find fault with some aspects of the reports concerning countries where the RFK Memorial Center for Human Rights is actively engaged. I will just mention a few such points here. Several of the reports, including the Guatemala report, mention US-funded programs intended to improve human rights without really addressing the question of whether they have had any real impact—the fact of the program itself is reported as if it was a human rights accomplishment, which it is not. The Colombia report notes very early—indeed, in the second paragraph—that the guerrillas raise a substantial portion of their revenue by taxing coca production and trafficking. Unfortunately the report waits nearly a dozen paragraphs before offering the even more damning judgment that many of the paramilitaries are “engaged directly in narcotics production and trafficking.” The report also gives too much weight to the disciplinary actions of the Procuraduria, failing to note the limited nature of the sanctions levied by this office and perhaps misleading American readers by translating the office as that of Attorney General, a position which in the United States typically possesses vastly more authority than the Procuraduria.

We felt that the generally strong report on Liberia overstates the degree of freedom of assembly there—based on reports we have received—and that the report on Sudan failed to capture the full scope and systematic nature of Government atrocities in the Nuba Mountains and failed to give sufficient attention to a number of insurgent forces in the North and South including, especially groups funded by the government in Khartoum.

Areas where the reports might be strengthened include a greater attention to violations of rights to housing, health and education, particularly by states that have ratified the Covenant on Economic, Social and Cultural Rights. This is relevant, for instance, in the conflict in the Occupied Territories, where various security tactics and actions have resulted in frequent allegations of interference with the right to obtain medical treatment and collective denial of the ability to carry out many activities, including conducting classes. Greater attention in a number of the reports to the situation of human rights defenders would also be welcome.

What are the implications of these reports for US policy? How can we—and here, I really mean, how can you—help make the information in these reports more relevant?

As the inscription on the National Archives reads: What is past is prologue. Let us then look back for a moment to remember the origin of these reports.

In the 1970’s the Congress—indeed, this Committee—launched a revolution in US foreign policy by deciding that the powerful regional bureaus at the Department of State simply were not devoting sufficient attention to human rights and would not do so unless something was done to institutionalize an interest in the topic within the Department. The Congress created first, the Coordinator for Human Rights and then a full-fledged Assistant Secretary. It mandated the reports on human rights that have evolved into the reports we are considering today. And it placed human rights restrictions on US foreign assistance.

Congress is sometimes accused of “micromanaging” the State Department, but these actions were, in fact, a necessary corrective and an important step toward overcoming entrenched bureaucratic interests. In creating the human rights bureau the Congress performed its most essential role: it gave voice to the desires of the

American people, who have indicated in poll after poll that they want values, decency and the rule of law to be at the heart of American foreign policy.

And in giving voice to the desires of the American people, the Congress gave a voice to human rights victims. As someone who has—at least a few times—sat at the Secretary of State’s morning staff meeting, I can testify to the significance of what Congress did. You quite literally—not figuratively as the phrase is generally used—gave human rights a seat at the table. In creating the bureau and the reports you insured that the voice of the victim could not be pushed out of the room.

That’s the good news. But the bad news is that the voice of the victims is still too often ignored in setting policy. For that reason, today Congress needs to launch another revolution. It created these structures. They have had a positive impact. The reports have flourished. Moreover, congressional mandates assigned to the human rights bureau have *certainly* flourished. In each of the last two Congresses, for example, major new initiatives on international religious freedom and combating sexual trafficking have been adopted. The 106th Congress also created a new commission on US-China relations to be supported by DRL among others, and adopted a host of other resolutions and mandates calling for increased human rights actions on a wide variety of countries and issues.

What has *not* flourished is the bureau that this Committee launched. Despite the recent very important funding increases that, again, this Committee fought to provide to DRL, let me give you some examples of the continuing marginal status of DRL within the State Department:

- It remains one of the smallest bureaus in the Department—significantly smaller, for instance, than the Bureau of Public Affairs.
- It receives approximately one-third of one penny out of every dollar the Congress provides to the State Department for its operations.
- Its budget is actually slightly smaller than several government-funded centers like the US Institute of Peace and the East-West Center and it has less than half the budget of the US section of Amnesty International.
- There are country desk officers in DRL responsible for covering as many as 33 countries.
- The annual travel budget for the entire bureau is, I understand, in the range of about \$250,000.
- In a typical year, DRL must fill about one-third of its positions with interns, fellows and detailees from outside of the career foreign and civil service.
- Career Development Officers, I’m told, routinely warn promising young officers against serving in the Bureau because of the perceived negative consequences for their acceptance in other bureaus.
- And adding insult to injury, it was, I believe, the very last bureau in the Department to have its antiquated Wang computers put out to pasture.

So the time is ripe for the Congress—and it would be fitting if it began with this Committee—to launch another revolution in US human rights policy by directing that the Department of State adequately fund what is manifestly an important congressional priority.

DRL needs adequate funding to be able to help formulate and fight for human rights policies within the Department.

It needs funds at its disposal to be able to assist in human rights and democratization emergencies and to leverage US and multilateral human rights opportunities.

It needs to be able to break out of its “orphan” status within the Department by having the ability to post human rights officers abroad in key posts.

Fortunately, all of these elements have already been embodied in legislation offered in the last Congress by the honorable Chairman Emeritus of this Committee, Mr. Gilman. The Human Rights Investment Act, HR 5196, introduced with the then ranking Democrat of the Committee provided DRL with the tools to do the job Congress created it for and the jobs that Congress adds to the human rights portfolio on an almost monthly basis.

The Human Rights Investment Act would:

- Mandate that one penny out of every dollar spent at the State Department be devoted DRL.
- Give DRL the authority to post officers in embassies overseas in order to advance the human rights agenda.
- Significantly expand DRL’s Human Rights and Democracy Fund (HRDF) to \$32 million.

The Act also authorizes increased funding for the National Endowment for Democracy and sets up a fund to monitor the use of US military assistance and licensed weapons sold by the United States. The monitoring fund would consist of one penny out of every dollar of US military assistance.

The simple fact is that Congress has demonstrated over and over again—in a bipartisan fashion—that it is committed to human rights. It made a revolutionary decision a quarter century ago to direct that an entire bureau be created—whether the State Department liked it or not—to support US human rights policy. Now it is time to mandate that the bureau receive resources consistent with the congressional commitment to this area.

I spent two years at the State Department. I was not in the human rights bureau, but in one of the “regional” bureaus, South Asian Affairs. In that relatively short time I developed a great respect for the dedicated people who represent this country. During my tenure two of my colleagues at the US Consulate in Karachi were gunned down in a terrorist attack. I strongly support Secretary Powell’s pleas for a well-founded foreign policy, including continued increases in funding for diplomatic issues here: how big is the pie, and how is it being sliced. As I have said, I support enlarging the pie. But whether the pie grows or not, one-third of one percent is just too thin a slice to devote to human rights. I would urge the members of the Committee to tell Secretary Powell just that.

I am also very mindful of the legitimate concerns that will be expressed by the Department that carving out a one-percent mandate for human rights will short-change other priorities unless the overall budget grows. But there are two separate issues here: how big is the pie, and how is it being sliced. As I have said, I support enlarging the pie. But whether the pie grows or not, one-third of one percent is just too thin a slice to devote to human rights. I would urge the members of the Committee to tell Secretary Powell just that.

Let me now turn to the subject of democratization aid. First, there are many outstanding experts in this area that I would urge the Committee to hear from, including Jennifer Windsor, currently the Executive Director at Freedom House and until recently the head of the Democracy Center at AID. Thomas Carothers of the Carnegie Endowment has also studied this subject closely and has written a highly regarded study called *Aiding Democracy Abroad: The Learning Curve*.

I also note in the interest of full disclosure that the RFK Memorial Center for Human Rights administers a relatively small AID democratization grant in Indonesia, although this is not a typical situation for us and we have no present plans to seek any additional AID funding.

I will confine myself to just a few observations and one strong recommendation in this area before drawing my testimony to a close. First, I am struck by what seems to me to be the staggering gap between the amount of money now being spent on democracy promotion—about \$750 million—and the amount currently spent on the entire human rights bureaucracy at the State Department (less than two percent of that sum). As Thomas Carothers notes in his study, “[t]he State Department’s part in democracy promotion is concentrated on the policy side rather than the aid side—deciding when to apply economic or diplomatic carrots and sticks to discourage democratic backsliding or to reward democratic progress.” With DRL country desk officers responsible for covering every human rights issue in as many as 33 countries, it’s hard to imagine how they can be expected to weigh in effectively on when and how those carrots and sticks should be used.

Second, there is an extremely important need for both AID and State to have some designated entity with the role of thinking globally. The Democracy Center and DRL currently play that role for their respective organizations, along with some other entities. Along with some other observers, I believe that this is extremely important. Likewise, the Office of Transition Initiatives at AID gives the US an important ability to respond to evolving situations around the globe and has been a very useful office.

Third, the DRL Human Rights and Democracy Fund provides an ability to respond quickly to emergencies and opportunities and to leverage interagency and multilateral assistance in ways that are not remotely duplicated by any other actor handling democratization funds. Having democracy funds at its disposal is a relatively new phenomenon for DRL and it has had to learn and adjust to handling. One of the first uses by DRL of the new funding which this Committee spearheaded was to increase and enhance the programmatic background of the staff overseeing and administering the HRDF. But has been the strong view of the last two Assistant Secretaries that the HRDF was an extremely valuable human rights tool, and I strongly agree. If the Human Rights Investment Act is adopted, just under 5% of

US democracy aid will flow through DRL. This seems to me to be an extremely modest, but also highly prudent contingency fund with which to respond to democracy and human rights emergencies.

Finally, with the advent of a new administration this would seem like a perfect opportunity to conduct a sweeping review of the now very substantial democracy-building portfolio. Some form of interagency review—whether chaired by the NSC, DRL or some other entity—is definitely in order given the exponential growth in these programs and the various anomalies that have developed both between and within regions.

Let me close by repeating something I said last year when I appeared before the Committee. When the Congress passed the International Religious Freedom Act (IRFA), an important piece of legislation on an important human rights topic, I was struck by the gap between the desire to see much more work done on religious freedom and the absence of additional funding for DRL to carry out this work. That, in turn, brought to mind a passage from the book of Exodus, in which Pharaoh

. . . commanded the taskmasters of the people and their foremen, “you shall no longer give the people straw to make bricks. . . . [L]et them go and gather straw for themselves. But the number of bricks which they made heretofore you shall lay upon them, you shall by no means lessen it. . . .” (Exodus 5:6–8 Revised Standard Version)

The Congress wants the Department of State to build a strong foundation for US foreign policy, and for human rights in particular. It needs to give the Department and the Bureau of Democracy, Human Rights and Labor straw to make bricks. This effort will not be in the headlines like the latest crisis in Indonesia. It will not seem as pressing as helping the latest political prisoner sentenced to China’s laogai. But in the long run, I hope and trust that the members of today’s Congress will see, as your predecessors did, that we ignore the fundamental issues of resources and structure at our peril and to the detriment of all our human rights efforts.

Thank you again for the invitation to testify before you today. I look forward to responding to any questions you may have.

Ms. ROS-LEHTINEN. Thank you so much. Wonderful analogy.  
Ms. Dalpino?

**STATEMENT OF CATHARIN E. DALPINO, DEPUTY DIRECTOR,  
CENTER FOR NORTHEAST ASIAN POLICY STUDIES, THE  
BROOKINGS INSTITUTION**

Ms. DALPINO. To your knowledge, Madam Chair.

I am afraid I have to agree with Mr. Rickard about WANG computers. The one thing I came away from DRL with was my WANG computer coffee mug.

I thank the Subcommittee for this invitation. I have been specifically requested to focus on the assistance programs for democracy managed by the State Department through DRL, on the role of the annual Human Rights Reports in formulating assistance strategies and as a case study on programs for China.

Given our time constraints, I want to move very quickly through a list of things that affect our ability to have programs managed by DRL for China and then talk about some of the procedural and policy issues about DRL programs and the use of the Human Rights Reports.

There can be no more clear example of the difficulty of mounting assistance programs in an authoritarian country such as China than the experience of DRL in the past 6 years. The reasons for this are numerous.

Within the policy community, there are sharply opposing views on the likely path of political change in China, there are disagreements over the best instruments to pursue assistance programs, there are problems in the broader U.S.-China relationship and

there are legal and logistical problems with funding and implementing such programs.

There are as well problems within the very nature of DRL in managing such programs. To be effective, democracy programs need to incorporate a long-term as well as a short-term perspective and DRL and the State Department as a whole are often forced to focus on a fire engine approach to human rights protection and promotion, leaving little time for examination of long-term trends which might eventually lead to the scaffolding to protect human rights and greater political openness.

I have written extensively in my testimony on the work of present American NGOs in China who are able to work in sensitive areas of political development. One of the problems with an officially managed program through a Human Rights Bureau is that they have little time to examine the experience of these NGOs. These NGOs include the Ford Foundation, the Asia Foundation, the Institute for International Education.

A more extensive review of the China experience, if DRL staff had the ability to do so, could suggest some changes in our policy, but let me move to two issues.

One is why it is that DRL, rather than USAID, is administering such programs and how the Human Rights Reports are used in formulating assistance strategies.

DRL got the China programs more or less by default. The U.S. Agency for International Development has no program in China at the present time and is not likely to in the near future, nor does a country like China fit the criteria for sustainable development that USAID developed, which includes a formal commitment on the part of the government to democracy.

That said, DRL's management of China programs and other democracy programs has been hampered by the fact that State Department officials in general and Foreign Service officers included do not come to the department with experience in program development and program management. I think if the Subcommittee foresees DRL as a permanent place for assistance programs to promote democracy and human rights, that deficit needs to be addressed either in the recruitment of civil service officers with this kind of program experience or training existing staff.

The use of the Human Rights Reports I think is a very interesting question with respect to assistance programs. I would agree with the Chairwoman's statement and Mr. Smith's statement using the illustration of the Vietnam report that those reports tend to be incomplete in their examination of all sides of political development and Human Rights Reports.

The China report also reflects incidences in which there are statements that this or that sector may be improving with very little data to back it up. I am not suggesting that the China report should have been more positive this year, I think it should have been more extensive, but the message that is given to the writers of these reports is their purpose is simply to document human rights abuses in a very short timeframe, where these abuses can best be quantified, and they are really discouraged from examining longer trends or making analytical judgments about the impact of these trends, about the possibilities or the difficulties for reform.

That said, that makes these reports inadequate benchmarks for not only planning assistance strategies, but also for evaluating the results of such strategies.

Let me be clear about something, however. I do believe that the department should continue to resist pressure to link the reports to policies, to report on policy through the reports, or to otherwise make the reports a review of U.S. policy. I think to do that is abandon any objectivity in the reports. You will end up having the messenger bring back the message that he knows he supposed to be delivering.

My plea is for more extensive reporting and a more multi-dimensional reporting and longer term reporting in addition to simply reporting on the events of that year.

Thank you.

[The prepared statement of Ms. Dalpino follows:]

PREPARED STATEMENT OF CATHARIN E. DALPINO, DEPUTY DIRECTOR, CENTER FOR  
NORTHEAST ASIAN POLICY STUDIES, THE BROOKINGS INSTITUTION

Thank you for this invitation to appear before the Subcommittee to discuss U.S. assistance for democracy programs; the role of the Human Rights Reports in formulating assistance strategies; and, as a case study, U.S. programs to promote greater openness in China. My views are informed by my experience as Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor from 1993 to 1997, and by my research on recent political change in China at the Brookings Institution.

Since 1989, China's human rights record and its political system have been the subject of polarized debate in the U.S. policy community. This has complicated (and sometimes prevented) attempts to formulate official policy to support emerging trends in China which could help build the scaffolding for greater protection of rights and, over time, promote greater political openness. The reasons for this are numerous: opposing views on the likely path of political change in China; disagreement over the policy instruments most appropriate to encouraging change; significant problems in the overall U.S.-China relationship; and the legal and bureaucratic obstacles to funding and implementing programs in China. Attempts by the State Department's Bureau of Democracy, Human Rights and Labor (DRL) to launch a modest assistance effort for China since 1995, in support of broader U.S. policy to promote human rights in that country, have been subject to these various issues.

This experience has also laid bare the difficulties encountered by a bureau, whose primary responsibility has been monitoring the daily status of human rights on a global basis, in developing a long-term vision and strategy for encouraging political and social change in a specific country, indeed the most populous country of the world, and certainly one of the most complicated ones. DRL, and indeed the State Department on the whole, are often forced to pursue a "fire engine" approach to human rights policy, focusing on large-scale abuses or new incidents of repression in target countries. This leaves little time or personnel to note or encourage more subtle trends which, over time, could become the basis for a more open system, or which mark a new direction in citizen-state relations.

A complicating factor for U.S. human rights policy in China, and more narrowly for assistance programs to China, is the complex and sometimes contradictory nature of Chinese political development. A step toward a more liberal environment is often matched by a step backward. In a country as large and complex as China, it can be difficult to discern a clear bottom line when both positive and negative trends are simultaneously in play.

This difficulty is exacerbated by the expectations for political change held by many Americans in the wake of the Soviet Union's collapse, and by the perception that democratization is an imminent and inevitable trend—in the phrase coined by Harvard Professor Samuel Huntington, a "wave"—sweeping the world. It is incontrovertible that several new democracies have arisen in the past twenty years. It is also obvious that some of these new democratic systems are experiencing backsliding and other problems which demonstrate the difficulties of moving away from authoritarian rule. However, the popular perception of an era of democratic revolutions, indeed of "pop-up" democracies, has built a great deal of impatience into policies toward the remaining authoritarian societies. In the extreme version of this



view, the best policy measures—indeed, the only credible ones—are those which promise to deliver authoritarian regimes to democracy's door. Not surprisingly, such policies are in short supply. This perspective has also encouraged a monolithic view of countries which remain under authoritarian rule. Too often, there is little effort to distinguish between the political systems and the prospects for change among countries on the repressive end of the spectrum. This limited view has resulted in a single formula for a human rights policy toward these countries. With our former cold war adversaries in particular, that formula is based on factors which led to the demise of communist rule in the former Soviet bloc (or those factors which we believe contributed to that end), and on U.S. efforts to promote human rights and democracy in that region during the cold war.

In this policy environment, it has been difficult to gain broad support for programs which seek to build on positive trends in China, even if the larger portion of our human rights policy continues to focus on areas of repression. And, not surprisingly, initial efforts to inaugurate an official assistance program for China mirror U.S. policy toward the former Soviet bloc. The emphasis on dissidents outside of China; the prohibition against working with Chinese government agencies, even with reformers within those agencies; and the insistence on funding groups whose stated purpose is to democratize China are all borrowed from the cold war era. At this juncture in China's political development, it would be more appropriate to design an assistance program builds on existing trends and which encourages political liberalization—defined as promoting more open and responsive government, and greater participation for citizens in public policy—but does not demand instant democratization. Such an approach may, paradoxically, be the shorter and the surer path toward encouraging eventual democratization in China. However, crafting such a program requires a hard assessment of what present realities in China, both positive and negative, and a considerable adjustment in our policy approach.

#### TOWARD A MORE EFFECTIVE ASSISTANCE APPROACH

In making such a paradigm shift, it is not necessary to design an approach to promoting political change in China out of whole cloth. Although the issue of official U.S. assistance to China is relatively new, and somewhat contentious, American non-governmental efforts to support Chinese trends in political development, as opportunities present themselves, have been ongoing since 1979. Using U.S. Government funds appropriated to them through general grants, or using private sources, a small group of American non-governmental organizations have worked steadily and productively with Chinese universities, think tanks, civic organizations and government entities on a widening range of issues. The most experienced of these organizations include The Asia Foundation—which presently works in the areas of Chinese legal reform; local governance; nonprofit sector development; and economic reform—and the Ford Foundation, whose current programs in China aim to strengthen government accountability and support the development of social organizations. A number of other American NGO's have mounted smaller efforts in China, in fields such as legal training, but have accumulated valuable experience.

The relative success of such NGO's—in being able to work in cutting-edge and sensitive areas of Chinese social and political development—can be attributed to their operating philosophies. These groups have gained the confidence of a variety of Chinese governmental and non-governmental actors; have followed an incremental approach to encouraging change; and, perhaps most important, have been able to identify and support indigenous initiatives. The experience of these organizations is instructive in building an official assistance program for China, and serves as an important backdrop. Equally important, an official assistance program for China should seek to work with American organizations who bring to the table expertise and experience with China. This goes against the current preference for off-shore, "parachute" organizations which field consultants who might have valuable technical advice, but which are not in a position to assess the impact of those consultancies or to support follow-up activities. It is no coincidence that some of the most effective American NGO's working in China have offices in Beijing or Hong Kong, and employ respected Chinese senior staff in those offices.

Beyond the choice of partners, a program designed to support liberalization in China at the present time should consider the following:

- *Employing a more instrumental and a less ideological approach.* U.S. human rights policy in China has tended to focus on individuals and groups which challenge the political authority of the current regime, and which function as a would-be opposition force. This is a natural and appropriate concern for our human rights diplomacy, but it does not necessarily translate into an effective assistance policy. At the time, programs should focus on wherever new free-

doms are emerging or being enlarged, rather than on simply the most confrontational forces. In China, many citizens are focusing not on the political form of their government but on whether or not their government is effective and accountable. Groups which lobby for improved social services or better environmental protection are often able to gain access and exert influence on policymakers more readily than those who call for a formal change of government.

- *Refraining from demanding a strict separation between state and society.* Policymakers often place more stringent demands upon the institutions in an authoritarian system than on those in democratizing societies, where institutional amphibiousness may also linger. In the liberalization (as distinct from democratization) phase, external donors should expect to encounter (and work with) state institutions under the influence of the regime and social organizations with links to the government. Indeed, even in established democracies there are considerable “grey areas” between state and society, but because of the strength of democratic institutions in these countries, we tend not to be alarmed by those blurred distinctions. In the wake of the “people’s power” revolutions of the 1980’s, some Americans assume that the only route to political change in authoritarian states is one in which a confrontational civil society agitates for a change in the political system through relentless protest and other opposition. Although this is a favored model in some policy circles, in reality it is a rare one. In the majority of countries which have moved away from authoritarianism, political change has been a matter of long-term negotiation, within regimes and between state and society.

In present-day China, an assistance program should seek to encourage greater pluralism in both state and society, rather than in attempting to force a strict separation between the two. This could translate into helping social organizations gain greater competence for self-rule, even if they remain under some governmental controls, or aiding government ministries charged with implementing more liberal reforms. The latter also enables external donors to support moderates and reformers within the government, without intruding into the political process in a way which could be counter-productive.

- *Employing regional strategies where possible and appropriate.* A decade of rhetorical battle between the United States and China has left many Chinese, even ordinary ones, with the impression that U.S. policy seeks to impose American political models onto China. As other Asian countries continue to make democratic strides, opportunities are expanding to encourage regional dialogue on political change and to reverse the impression that more open social and political institutions are necessarily Western imports. In the case of China, there is added impetus to encourage regional dialogue on political and social reform, because such issues increasingly affect the mainland’s relations with Hong Kong and, of course, with Taiwan. These dialogues should be promoted in a low-key and cautious manner, preferably through American non-governmental groups. One notable example in this regard is the Elizabeth Luce Moore Leadership Program for Chinese Women, sponsored by the Institute for International Education and funded by the Henry Luce Foundation, which brings together women leaders of non-governmental and community groups from the mainland, Hong Kong and Taiwan with their American counterparts. Such programs help to build networks within key sectors in Asian countries, and to help reinforce momentum for reform.

#### OFFICIAL ASSISTANCE: STATE OR USAID?

Given the somewhat daunting task of finding appropriate strategies to promote political liberalization in China, it is tempting to conclude that there is little role for U.S. assistance at this stage in China’s political development, and at this juncture in U.S.-China relations. Although American NGO’s will continue to be key players in the effort to encourage political change in China, there are arguments for a prudent U.S. Government program. Given the close attention that the United States gives to China’s human rights abuses, refusal to assist positive trends toward greater openness gives our human rights policy a disingenuous tone. This perception has intensified in the wake of the 1997–98 U.S.-China Summits, during which the two governments agreed to cooperate on promoting the rule of law in China.

However, at this time there is no clear bureaucratic fit within the U.S. Government for an assistance program to promote liberalization in China. The United States Agency for International Development has no program in China, nor is one likely in the immediate future, given the overall tenor of U.S.-Chinese relations. At

this point in time, China does not fit the criteria for a “sustainable development” country, which includes a formal commitment to democracy on the part of the government. For these reasons, as well as to ensure that programs are consonant with our broader human rights policy for China, oversight and implementation of China programs has fallen primarily to the State Department’s Bureau of Democracy, Human Rights and Labor. This has proved to be a problematic course, since most State Department officials, foreign service officers in particular, have little training in program management. If a China assistance program is to continue to be administered by DRL, this deficit should be addressed through recruitment of civil service officers with such training, or by other means of ensuring that program management functions are adequately covered.

#### USING THE HUMAN RIGHTS REPORTS

A final issue attendant the subject of DRL-managed programs is the application of the annual human rights reporting process to assistance programs with China and other countries under authoritarian rule. Overall, the reports are structured to provide critical information to policymakers, but not to shape policy itself. In my view, the Department has been correct in resisting occasional external pressure to describe and evaluate U.S. human rights policy as part of the reporting process. That could politicize the reports, or encourage reporting that supports a particular policy. However, if the reports are to be more useful to assistance programs managed by DRL, they would do well to expand reporting on institutional reform and trends in state-societal relations which are more relevant to assistance programs. At this time, reports tend to focus on and document human rights abuse in quantifiable measures, but they frequently skim over, or omit altogether, reporting on more subtle but potentially important attitudinal changes. Without such expanded reporting, the human rights reports will serve as an implicit series of benchmarks for countries such as China which do not adequately describe or assess the prospects for political and social reform. Just as our view of change in countries such as China should be broadened, so should our most basic policy instruments.

Ms. ROS-LEHTINEN. Thank you so much, Ms. Dalpino.

Thank you indeed to all of the witnesses. And although I am very proud to chair this Subcommittee, I think I share the gavel really with all the Members, so I will ask my questions last, whatever has not been asked. The last shall be first.

Mr. Smith?

Mr. SMITH. Thank you.

I thank the gentle Chairwoman for her kindness in doing that. I do have to leave momentarily to sit in your seat at a Full Committee hearing as a witness, so I do thank you for that courtesy.

I have just a couple of questions and I think you have all made in both your written submissions extensively as well as your oral presentation so many very, very important points, one almost does not know where to begin. There is just so much abuse going on in the world today, torture is endemic in so many countries of the world.

Forced abortion continues unabated in China, despite the disinformation campaign that they are currently engaged in to try to lead the world astray that somehow they are reforming, even though they claim there has never been a problem in the first place.

But several you have pointed out that very often a law, whether it be a reporting requirement or an actual implementation process or law enforcement procedure or refugee protection, goes unimplemented by an Administration. I think this has been—whether it be a Democrat or a Republican Administration, it has been one of the gravest disappointments that I have had as a Member of Congress for 21 years and spending most of that time on the International Relations Committee or former Foreign Affairs Com-

mittee, as it was once called, that we pass good laws and then there is no or little implementation, lip service is paid. And my hope is that through vigorous enforcement this year we can ensure that there is faithful adherence.

As my friends and colleagues know, we passed landmark legislation on trafficking, which also includes the Violence Against Women Act and there is a very strong mutually reinforcing aspect to that, particularly as related to women's shelters here in this country. And the concern is that now the State Department may move to put the operation of this into the Narcotics Enforcement Bureau, which would pretty much undermine the efforts to protect the women.

We have always been appalled that women are put on the next plane, when a brothel is raided and 15-year-old Ukrainian young girls are found, instead of providing them protection. Correcting this was a mainstay of that legislation and we have to ensure that is implemented correctly.

I met with my own U.S. attorney 2 weeks ago and brought him a copy of the bill, gave him a physical copy of the bill, and asked him what he was doing.

And he said, "Oh, trafficking? We're going after drugs and guns."

I said, "Time out, number 3, women, children, individuals."

I mean, we really have to impress upon this Administration that this law has been now in effect since October 28, 2000. It's Public Law 106-386, and it is still, the best of my knowledge, especially in the law enforcement area, not been properly implemented. And if we are here 6 months from now with the same gripe, I think we are going to have to really make a major protest.

I have a letter going over right now to all the different implementing agency heads, including President Bush, asking him to implement it, to read the bill. Read the legislation.

And it must frustrate you to tears at times to see good bills passed, and you play a major role in getting those passed, only to see enforcement less than adequate, to be kind about it.

One of the principal concerns we have in drafting in the Trafficking Victims Protection Act was to punish the criminals, as I said, and to protect the victims. We were particularly careful to make a distinction between trafficking which has a victim and alien smuggling which may be entirely consensual on the part of the person being smuggled and which may involve no violations of law other than immigration law.

Indeed, many smuggled aliens are refugees, so we did not want the INS or the State Department simply to start using a new word, trafficking, to indiscriminately describe all attempts to cross international borders without the proper papers.

This year's reports are troubling in this respect. Many Country Reports seem to assume that most or all attempts to bring people illegally across borders should be "trafficking."

Do you share this concern? Do you agree that the discussion on trafficking should be limited to cases where force, fraud or coercion is used against the victim and where people are brought into some inherently brutal conditions such as slavery or prostitution?

Ms. ROS-LEHTINEN. Who would you like to answer that?

Mr. SMITH. Any one of the Members of the panel.

Ms. ROS-LEHTINEN. Thank you.

Ms. MASSIMINO. Well, I can say that we very much share your concern about the use of language. Language has meaning. We represented a number of Chinese refugees, for example, after Tiananmen Square, whose only means of escape was to pay a smuggler, and that is frequently true.

I actually had not noticed that in the reports, and I am going to go back carefully and read for that, because that is not only a trend in the U.S., but worldwide. There are some countries in which the combination of laws against so-called trafficking that is not really trafficking but facilitates refugees from escaping means that there is no refugee protection any more in those countries. And so we are going to take a special look at that now. We do very much share your concern about that.

Mr. SMITH. Mr. Salinas?

Mr. SALINAS. If I may, that is one of the points that we made about the Cuba report, that the Cuban legislation has ostensibly eliminated illegal exit, which is a contradiction, but has now stiffened laws against trafficking. And so our question is, well, where is that fine line?

People have always associated in small groups to leave Cuba. And so we are wondering in fact whether or not they are using this anti-trafficking legislation in Cuba to masquerade as an illegal exit clause to crack down on people. And this was one of the deficiencies we think that needs to be further explored in the report.

Mr. SMITH. Let me ask you, Mr. Salinas, or anyone else, one of the criticisms I had and the Committee had repeatedly, and we asked the Administration and never got an adequate answer, to say the least, when the Clinton-Castro agreement was signed, some of the operative language was to use mainly persuasive means to deter people from setting sail for freedom.

And then we deputized our own Coast Guard to be the INS enforcement mechanism for Fidel Castro and, to the best of my knowledge, we have at least anecdotal evidence that people upon return were beaten, hurt in various ways, with little or no way of reporting accurately or, more importantly, helping them.

Is it time to re-review that provision?

Mr. SALINAS. Definitely there is a lot more information that needs to come out because one of the other things that we found out is that the Coast Guard is taking people to Guantanamo Bay and sometimes they are being processed out to other countries. We have cases of Cubans being sent to Uruguay and Venezuela, which does not make any sense.

We also understand that people are being taken to the Bahamas and once in the Bahamas, they understand that they have an opportunity to escape if they pay the right fee.

So we are finding some of these escapees arriving in Miami.

Ms. ROS-LEHTINEN. And they are put in a prison, it is a common law prison that is really such subhuman conditions that it is appalling.

Mr. SALINAS. And this is something that needs to be evaluated. The agreement needs to be reviewed. Since when do we take just someone's word for it as proof positive that something is going to be enacted?

Clearly, there needs to be monitoring.

Mr. SMITH. Just very briefly, last week it came out again at our hearing, the Subcommittee's hearing on the broadcasting and Mark Nathanson when he testified and others had to defend our concerns and Ms. McKinney raised this as well that certain freedom broadcasting was going to be downgraded, other aspects upgraded in a zero sum gain. We argued that if you are going to add a new service for Arabic, that is fine, that sounds like it is very justified, but why are you going to preclude Voice of America, for example, from going into Uzbekistan?

In that part of the world, obviously, Uzbekistan, Kazakhstan and others, as chairman of the Helsinki Commission and this Committee the last couple of years, a few years, we have focused on the continued degrading of human rights in those countries. I was very disappointed to hear that former bodyguards of Mr. Kazhegeldin were imprisoned under extremely harsh conditions and, to the best of my knowledge, there is little or no response from the previous Administration and thus far, although they still should be given some grace period, from this Administration when it comes to that kind of repression.

I met with the new Ambassador to Turkmenistan. Mr. Pitts and I and others were pressing because we had just gotten word that a pastor named Atakov had been beaten and was to the point of perhaps being near death and the OSCE has raised it, but this country has to make it a priority.

Would any of you have any comments you would like to share on that?

Mr. MARSHALL. Congressman Smith, to reinforce your point about Turkmenistan, there are a variety of problems throughout Central Asia, but Turkmenistan is on sort of a rapid downward path and has a serious disciplined and focused program to eradicate all religious expression except for the majority form of Sunni Muslim and Russian Orthodox. And you talked about the imprisonment, they have started to use psychotropic drugs with various of these people, there is systematic beating and torture.

So particularly because this is intensifying, I would urge the importance of the situation. Kazakhstan and Kyrgystan are also looking at what is going on there, the neighbors are, and if Turkmenistan can get away with this without significant international repercussions, it is a practice which may be followed by its neighbors.

Ms. ROS-LEHTINEN. Mr. Smith, I am going to recognize you for just one last question.

Mr. SMITH. Mr. Salinas?

Mr. SALINAS. If I could add, I would like to underscore the importance of the deterioration in Turkmenistan. I have personally written the Ambassador of Turkmenistan four times this year alone on the very specific, grave situations in Turkmenistan and we have yet to receive a reply.

One of the things that the Committee may want to consider is what will the impact of oil be in the region, especially with the discovery of the second largest oil field, apparently, off the coast of Kazakhstan in the Caspian Sea that will turn Kazakhstan, according to the Wall Street Journal, possibly into the second largest oil

producer in the world after Saudi Arabia. Perhaps the time to work with those countries to move them toward greater respect for human rights is now before we become completely dependent on their goodwill toward the United States.

Mr. SMITH. Obviously there are many other countries and I will be submitting a list of country-specific questions to this very distinguished panel, but let me just ask you on Malaysia, as you know, former Deputy Prime Minister Anwar Ibrahim, a reformer who was tried and convicted on what was generally regarded as on false charges after he disagreed with the prime minister, remains incarcerated. Reports from Malaysia indicate that his medical problems are getting worse.

Also, Reuters reported yesterday that a leader of the opposition party youth organization has now been arrested and charged with treason under Malaysia's sedition act after organizing a political demonstration criticizing the government for using public funds to bail out the Malaysian tycoons with close ties to the government.

Could any of you give any insight into what is going on in Malaysia, what our response can be, should be? And, of course, the Country Report, whether or not you think they are accurate when it comes to Malaysia?

Ms. MASSIMINO. Well, the one issue that we have focused on so much in Malaysia has been the independence of the judiciary and the ability of civil society to organize and demand change, and also the institutional structures which if in place can help protect human rights in the long term.

And the independence of the judiciary, which was clearly so undermined by the trial of Anwar Ibrahim, it was made a travesty, through that trial, that problem continues today and I think it deserves the attention of the Congress. The Administration needs to focus on structures like independence of the judiciary and press to make that a priority. And it is not right now.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Smith.

I have only been Subcommittee Chair for less than 2 hours and I am already thoroughly depressed. Torture, persecution, oh, my gosh, I am going to need medication to get through this session.

Congresswoman McKinney?

Ms. MCKINNEY. But you know what, the problem is it does not get any better.

Ms. ROS-LEHTINEN. Oh, gosh.

Ms. MCKINNEY. Thank you very much.

I know this is probably more a question for the State Department that is not here, but maybe anyone who knows the answer can just respond. I notice in the Human Rights Report for the Democratic Republic of Congo that it mentioned the return of Rwandan POWs, but there is no mention in the Rwandan report of return of Congolese POWs.

Does anyone know what has happened to Congolese POWs that are in Rwandan control?

Ms. ROS-LEHTINEN. We will make sure that we ask that in tomorrow's briefing, Cynthia. That is a good question.

Ms. MCKINNEY. Thank you.

Also, one of the exchanges that I had with Assistant Secretary Koh was about policies, our own policies, that in and of themselves

become vehicles for human rights abuse. For instance, the sanctions against Iraq.

What are we to do when our own policies become the instruments of human rights abuse?

Anybody?

Ms. MASSIMINO. Well, this is a question that I know my own organization struggles with very much because sanctions can sometimes be a tool to pressure rights violating governments, but clearly there are instances when they become the cause of human rights violations, particularly with innocent civilians. So it is a very difficult balance.

ECOSOC has addressed this issue in some detail, trying to set out guidelines for when sanctions are appropriate and when and how they can cause human rights violations and how to work to structure targeted sanctions that go to the sectors of that government that are violating rights.

I do not know—there is not, obviously, an easy answer to that question, but I think that the Administration has to take a careful look at the sanctions that are in place now, and there are many of them, to evaluate whether or not they are effective and whether their effectiveness—if they are not effective, then, of course, they should be seriously evaluated, but even if they are achieving some goals, we need to be able to make an evaluation of whether or not they are causing more human rights violations than they are helping to solve.

Mr. SALINAS. If I may, I think that the short answer to your question is what happens when the policy become an agent of human rights violations is you all need to change them. And one of the key policy issues for us has been the war in Colombia and you have certainly been very eloquent in talking about the dangers of the escalation of the war in Colombia and that is something that we will continue to support you and other Members of Congress in changing, reversing, throwing out—you used a descriptive term, delete that policy because it is only going to bring greater suffering.

So I think that is a very important question that you ask and you can count on all of our support in changing those policies that become detrimental to human rights.

Ms. MCKINNEY. Christopher Hitchens has written an article in—I think it is Harper's, in which he suggests that Henry Kissinger is a war criminal for various policies that were implemented during Kissinger's tenure. I recall reading on the Internet, actually, it was on the Defense Intelligence Agency's website, about the systematic deterioration of the water system for Iraq. This was purposeful, a purposeful policy, on behalf of DIA in order to diminish the ability of Iraqi citizens to have clean water.

Now, if our Government actively participates in—I think that is a violation of the Geneva conventions when you target civilians—how do we bring U.S. policy makers who are responsible for these policies, how do we bring them to justice?

Mr. RICKARD. If I could just make a couple of points about that. I think first of all your point on this question and the previous question is very well taken. The U.S. in its foreign policy ought to at least adopt the Hippocratic oath, first do no harm. And I think that one of the things that the Congress needs to do is to step



back—and also the NGO community—is to step back a little bit from today's headlines and the current crisis and individual country questions and look at structures and process.

That is why I think that if the United States had in place a comprehensive system for controlling the arms we sell, the potentially repressive equipment we sell, the military assistance we give away, and then a well funded human rights bureaucracy to look into these questions, we would have in place a system, a set of structures, that we could really say, when the crisis comes we have a set of procedures in place.

Your effort in the area of an arms control code of conduct is critical to that. The Leahy law in terms of our military assistance is critical to that. We need to look very closely at what the Commerce Department licenses in terms of stun equipment, shackles, that kind of equipment. And then the Human Rights Investment Act, which would put in place systems to monitor this and then fully implement it in a well funded way. And a part of that also is a system of international justice and accountability.

Now, I think the article you mentioned, I think it might have been in *Vanity Fair*, actually.

Ms. MCKINNEY. *Vanity Fair*? Thank you.

Mr. RICKARD. And I have to say as far as that particular article goes, it is important to be—when we start talking about war crimes and war criminals, to really be very precise about what we mean and I think there is some very, very loose language in that article which led to a response in *The National Review* which I think had the subtitle “The Mad Leftist Plot Revealed,” which to a certain extent, if that is what it was really about, if it was really about criminalizing foreign policy disputes, there would be a legitimate beef.

The fact is there are well defined standards of behavior internationally. We need institutions in place, not to create them ad hoc when the next genocide occurs, everybody knows that is an insane way to try and enforce international justice. So all I would say is that we need in place systems that are across the board, that everybody is accountable to, to deal with tomorrow's headlines, not scrambling to respond to today's headlines.

Mr. HARTUNG. On that same point, other countries coming out of the Cold War held truth commissions in Guatemala and South Africa to put it out on the table who was responsible for the crimes, for the violations, for the human rights abuses.

We could have an amazing truth commission about the responsibility of U.S. foreign policy makers for collaborating in human rights abuses in places like Chile, Indonesia, Guatemala, sub-Saharan Africa. I do not know if we could structure such a thing, but I think certainly that given the information the public does not want our Government to be arming human rights abusers, does not want us to be collaborating with regimes that engage in torture, that throw reporters and members of parliament in jail for speaking the truth.

I think it has to fall back to the court of public opinion and I think we live in a very kind of fractionated communications environment today and that has some down sides, but it also has some up sides. I think that with the Internet and with independent means of communication, we can build a network of individuals

and organizations that will hold our Government to account to at least to the same standards that we hold other governments to.

Steve mentioned the Hippocratic oath. We seem to operate on the hypocritical oath, do as I say, not as I do. And when it comes to things like putting weapons in the hands of murders and thugs, that is just not acceptable and I do not think any American, if they gave it a moment's thought, would accept that as the policy of our Government. A lot of it just has to do with waking people up, ringing the alarm bells, and that will create the pressure we need to hold the officials accountable.

Ms. MCKINNEY. Madam Chair, I have a few more questions, but I would allow—

Ms. ROS-LEHTINEN. Thank you. Thank you so much, Ms. McKinney. I will recognize you again to ask more questions. Such a pleasure to be on the Subcommittee with Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Madam Chairman.

I certainly want to commend the members of the panel for their outstanding testimonies and certainly want to compliment also the tremendous hard work and the commitment that they have made to promote and enhance the issue of human rights.

I do not think there is any question that this is not a very simple issue to simply put out in the forefront and expect that everything and everybody will participate in a very active way.

I seem to get a consensus at least of the testimonies that I have heard so far from the members of the panel that we have issued reports, fine and dandy. But by and large these reports have no teeth. At least to a large extent, it is really nice, it makes some good echoes, it hits the media, the papers, and something to some extent, but substantively, we are still struggling with it.

I think, Mr. Rickard, your statement puts it right on the head of the nail, so to speak. If the very agency that is supposed to enforce and promote and advocate this very important principle, if it is that important as part of our foreign policy commitment—not only on the part of the Congress but as well as the Administration, then seemingly we are spinning our wheels. But be that as it may, I think we still have to pursue the issue.

There are some 189 nations in the world. The United Nations, regional organizations, we have our national entities and cultures as well, and it is a very difficult issue to try to say what standard or some kind of an abstraction. Is it a western standard? Is it an eastern standard? Or an African standard? Who is to say what organization or what entity out there is going to say this is the standard that everybody should comply with?

I am just trying to solicit your views.

Mr. Hartung, I am glad you mentioned Indonesia because that is a classic example of outright violations in human rights, as you can call it, for the past 40 years. We just turned a blind eye at the height of the Cold War. We did not want to disturb the dictatorial policies of Suharta, as it was then, but you also mentioned, as I have heard this phrase, strategic allies.

We promote human rights on the one hand and then all of a sudden it hits a rock if we talk about our strategic allies. We pretend like it is not there.

If you talk about human rights about China, let us talk about human rights also in Saudi Arabia, to be fair about the issue of women's rights, the problems of freedom, if you want to call it that.

But who are we to say that the rights or human rights that is advocated among the Arab people are what they believe culturally to be the right thing to do? This is something that I am somewhat troubled with, to say whose standard are we trying to apply?

I recall when the issue of human rights violations was raised with the president of the People's Republic of China and in his mind the ultimate human rights violation is the absence or the ability of a government to put food on the table for every man, woman and child, the 1.2 billion people living in China.

In this government leader's mind, that is a human rights violation, if the government fails to provide basic sustenance to those people.

Now, we can talk about civil rights, we can talk about all these other things, but to someone who heads the most populous nation in the world, you do not talk about ideologies, you talk about basic human needs.

And so here we do not talk about it in America, but, of course, you go down the streets of Pennsylvania Avenue, we have a lot of homeless people, we have a lot of problems because of AIDS, the minority interests, the rights of Native Americans. I mean, I can go on and on. But I am just wanting the panel's view—

If you talk about having an international standard, who or what region or what country do you really think is going to be pushing for an international standard?

You know, Milosevic was a duly elected president of Yugoslavia before we got into Bosnia and Kosovo. Did you know that? He was duly elected. He was not a dictator. After killing 250,000 Bosnians and then we started saying, well, this is genocide, and then that gets into another issue about genocide.

I have always wondered, at what stage do we say that a dictator or a regime or a government has committed genocide? We had a big, big debate on this issue a couple of months ago about the genocide committed against the Armenians by the Turkish government. We can talk about the extermination of 6 million Jews in the Holocaust. One thing that is hardly mentioned is the 10 million people of the Congo that were murdered and tortured by the Belgium government and nobody ever talks about that.

But I wanted to ask the members of the panel where do you put the line to say, okay, this regime has committed genocide? Do we have to go by numbers, do we go by geographic—or is it some other issues that we look at?

Please, Mr. Marshall.

Mr. MARSHALL. Just a couple of comments. In terms of standards, there would be disagreements around the edges, but in the Universal Declaration of Human Rights, the international human rights treaties, regional treaties in America, Europe, Africa, the body of these is virtually the same. The people who drafted these treaties were drawn from every part of the world. So there are common universal standards. These are also standards which also reflect the United States' own traditions and freedoms. These are widely accepted.

Those who criticize these standards and say they are not universal, that we have a different view, are almost in every case governments who refuse to submit to the will of their people in genuine elections so that can be tested. And, in actual fact, when a government leader in Asia says our view of human rights is different, if you ask the population what their view is, you will find that they have a view of human rights very similar to that being advocated here.

So, for example, all those people killed in Tiananmen Square by the Chinese government were Chinese. It was Chinese fighting for democracy, for free speech, for free labor unions.

So in all of these countries, we find that the populations share these same aspirations and the people who reject them are ones who reject accountability to their populations.

In terms of genocide, there is an international convention on genocide. Its criteria are stringent so the word is not thrown around loosely. It lists various criteria, but the focus is that there is a deliberate attempt to destroy an identifiable body of people. And we should restrict the use of the term to those circumstances.

Mr. FALEOMAVEGA. Regardless of the numbers?

Mr. MARSHALL. At a very low level, if you are talking about 10 people, it would seem out of place, but if you have a distinct ethnic group of 5000 people and those are the only such people in the world and they are to be destroyed, the word genocide would apply in that instance also.

Ms. MASSIMINO. I also wanted to follow up on your mention of human rights situations in this country and I want to strongly associate myself with the views of Mr. Marshall about universality and the involvement of peoples from all regions in the drafting of the universal declaration and the treaties that flow from that declaration.

It was, I think, at one of these hearings several years ago that one of your colleagues, I believe it was Mr. Houghton asked, I wonder how other countries think of our human rights performance?

Well, we do have—some other countries tell us what they think and, in fact, China, for example, published what it calls its human rights report on the United States. It did that last year, it did it again this year. I heard that Russia was also doing the same thing now. These are, if you read them, quite politicized and an attempt to cover the criticisms that the U.S. has rightly of China's human rights performance.

But I sort of welcome these things in a way because no country is perfect and in the past, when Mr. Houghton asked that question, I said isn't it interesting that the U.S. publishes Human Rights Reports on every country in the world except for one. I cannot make that criticism today, actually, because while there is no report on the United States in this volume, as the United States has obligated itself in recent years to human rights treaties such as the convention against all forms of racial discrimination and the covenant on civil and political rights, it is required and it has published self-examination reports on its own compliance with these treaties.

Now, human rights groups like mine sometimes criticize whether or not they do an adequate job of that, but in fact we do publish

such reports and it is a healthy thing. There is going to be a World Conference Against Racism and Xenophobia at the end of August and into September in South Africa this year. I encourage Members of Congress to participate in that because that's an opportunity for us to discuss, in solidarity with people from other countries, the problems we face in our own country. The fact is that they may be in many ways less serious than the problems that other countries face. But I think it strengthens our hand in terms of criticizing the eminently criticizable human rights—violating governments, such as China and Cuba, when we are willing to take a look at our own performance in an honest way and work to improve it.

Ms. ROS-LEHTINEN. Thank you. If I might just add something—

Mr. FALEOMAVEGA. My time is running. I know.

Ms. ROS-LEHTINEN. No, it is not a problem, but as a refugee from a tyrannical regime who was given a new opportunity and a new life in this wonderful country that is now my country, it makes my hair stand on end when I hear people running down my country. We cannot compare individual mistakes to systematic, institutionalized violations of human rights that occur in many countries. Although I think we do make mistakes, I am not sure that we should be ashamed of ourselves and our principles and what we stand for because we have a lot of good in this country and we would hope that any country would afford half of the respect that we give to everyone in this country.

Ms. MASSIMINO. Yes. I wanted to just say that it is because of those very principles, I think, that we owe it to ourselves to work to achieve them.

Ms. ROS-LEHTINEN. I agree.

Ms. MASSIMINO. And to work together to do that and I do not think that we fall into the trap of moral equivalency. In fact, I think it very much strengthens our moral authority when we are willing to look at those issues honestly.

Ms. ROS-LEHTINEN. Thank you.

And, Mr. Salinas, you wanted to add something?

Mr. SALINAS. Human rights work is very hard. It is hard to look at other countries and it is hard to look at ourselves and I think one of the key issues that we have to think about and was brought home to me when Amnesty waged the international campaign on human rights violations inside the United States. On all the areas within the report, members of this body have advocated in one way or shape at some point or another. You have been very eloquent in protecting asylum seekers coming to this nation and protecting the rights of those who are unjustly imprisoned.

Different members of this body have taken strong stances against police brutality. So on a lot of these issues, we are not accustomed to thinking of them as human rights issues. And speaking more to the congresswoman's point, sustenance is a human rights issue. Human rights, we tend to compartmentalize it, put it out there as something, well, that happens over there and here.

Human rights is a very broad area that includes civil and political rights, but also economic, social and cultural rights and that is the spirit of the Universal Declaration of Human Rights and it

does attach all these aspects of our lives that you all have taken strong stances about.

Mr. FALEOMAVEGA. I just wanted to ask if any of the organizations have made any extensive reports on the human rights issues involving the indigenous Indians in Latin America, throughout Latin America.

Mr. HARTUNG. Can I address your first point briefly before that?

Mr. FALEOMAVEGA. Sure.

Mr. HARTUNG. In my testimony, the prepared version, I made it clear that I do not believe this notion that when you have a strategic interest at stake, human rights concerns can be put to the side and I think if you look at our relationship with Iran, with Zaire under Mobutu, our current relationship with Indonesia, with Turkey, we do not do our allies any favors when we serve as enablers for their human rights abuses because not only does it violate our principles and our beliefs, but it also undermines the legitimacy of those regimes and ultimately there is a price to be paid in terms of U.S. security.

We have seen many cases where our weapons have ended up in the hands of our adversaries because of regimes that have fallen apart, because we and their allies did not hold them to standards of accountability about how they treated their own people, if you look at Somalia, there are many examples.

Ms. ROS-LEHTINEN. Mr. Hartung, I am going to see if you can just quickly summarize because I am going to try to get Mr. Schiff in.

Mr. HARTUNG. Yes. That was my basic point. I think human rights properly viewed reinforces our security interests. They should not be viewed as a trade-off, something to be cast aside as soon as we utter the term national security.

Mr. FALEOMAVEGA. Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you so much.

I am so proud to have our new Member of Congress, Mr. Adam Schiff, on our Subcommittee.

You are recognized. Thank you.

Mr. SCHIFF. Thank you, Madam Chair.

I just wanted to comment on a couple of the points that were recently made in terms of the United States human rights record.

I think one indication of our commitment to human rights is not only how we treat our own citizens, but our willingness to recognize human rights abuses around the world, even when it implicates certain of our strategic interests. And one illustration of that that is particularly poignant in the district and communities that I represent is the Armenian genocide.

And I think when we look at this country's willingness or lack thereof to recognize the facts of the Armenian genocide, it really puts the test to our commitment to unequivocal positions on human rights because it puts it in conflict with other interests and I think that we can look at our willingness and determination to be clear and unequivocal on that score as an indication of our commitment on human rights.

I also think we sometimes get an indication of what we are trying to gauge in other countries by looking at how other countries operate within the United States. And when we talk about, for ex-

ample, the Falon Gung in China, we had a recent experience in the communities that I represent out in California where we had a convention of the Falon Gung meet in Pasadena and the mayor of Pasadena and other local elected officials were contacted by officials within the Chinese embassy and asked not to allow the use of that facility for that convention, were asked not to provide any resolution certificate in honor of the convention, and it was really quite striking, I think, to the local elected officials that a foreign government would ask them to interfere with the freedom of expression of people within this country. It really was quite eye opening.

And so I think sometimes we get a window on both how other countries treat their own citizens in their own lands when we look at how those that subscribe to similar views are treated in this country and we get a window on our own commitment to human rights when we look at our willingness to recognize human rights abuses in other countries.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Schiff, and I am glad to have Mr. Pitts ask his questions for just a few minutes before a brief recess.

Mr. PITTS. Thank you, Madam Chair.

I wanted to ask how much coordination is there between our U.S. human rights organizations and the State Department's DRL bureau in preparation for Country Reports on Human Rights?

Can anyone respond?

Mr. SALINAS. In our case, in Amnesty International's case, it really is country by country basis. We have a very extensive network of country specialists who follow and monitor the events unfolding in countries, some of them on a daily basis, in addition to our research department in London. But the U.S.-based country specialist program, some of them are in daily touch, if not weekly touch, with the U.S. embassy in country. For example, Sri Lanka is a case of that.

They work closely with DRL staff as they prepare Country Reports, for instance, in the Iraq case, I understand there was a lot of back and forth flow of information. And in many cases, we see that coordination payoff when the information is reflected in an accurate way.

Mr. PITTS. The standard for Human Rights Reports is stated as being internationally recognized individual, civil, political and worker rights as set forth in the Universal Declaration of Human Rights. However, some of the reports discuss issues like escalators in the subway system in Buenos Aires, lobster fishing in Canada, women in combat in Germany.

Do you think that such information should be included in the reports? Do you agree or disagree that such references undermine the serious nature of violations such as right to life, liberty, security, integrity to person and others enshrined in the Universal Declaration of Human Rights?

Mr. Marshall?

Mr. MARSHALL. Yes, Congressman Pitts. A danger in the modern age is that because human rights are so important there is a tendency for interest groups to want to categorize whatever you are

concerned about that may be very important as a right. And so one of the effects can be diluting what we mean by rights, and so we include every problem as a human rights problem.

So I do not necessarily agree with every particular one, because I am not sure I got them all. The types of examples you mentioned, I am not sure should be in a Human Rights Report because they obscure matters such as detention without trial, extrajudicial killing, torture and things of this kind.

So I think it is like using the term genocide. We should as much as possible restrict the vocabulary to those things on which there is international agreement and which are vital.

Ms. ROS-LEHTINEN. Mr. Marshall and Mr. Pitts, we are going to briefly recess because we have 7 minutes to vote and Ms. McKinney and I will come back. We will be glad to ask your questions, if you do not have an opportunity to come back.

Our Committee will be in brief recess.

[Recess.]

Ms. ROS-LEHTINEN. Thank you. The Subcommittee will once again get into action and I will wait for Ms. McKinney, who I am sure is going to come back, but we are only going to ask a few questions because the committee room needs to be cleared for Secretary Powell.

Dr. Marshall, I wanted to ask you, in your testimony you note that Cuba's government has made it a priority to prevent and interfere with contact between Cuban pro democracy advocates and the outside world and you cite additional cases of foreign visitors who have been arrested by Cuban authorities to hinder contacts with the Cuban human rights dissidents and pro democracy advocates.

How did Freedom House obtain such information when our own State Department does not or could not and to what would you attribute this disparity?

Mr. MARSHALL. Part of it is reporting—in partial defense of the State Department, reporting on Cuba is difficult and knowing of private contacts between foreigners and Cubans, they would not necessarily know that.

One reason that we know this, we mentioned people from Latvia, Romania, Poland, the Czech Republic. We have offices and programs in each of those countries, so we are aware of reporting within those countries, whereas it might not be known here, this is covered in Latvian newspapers. And so our staff there would be aware of it.

Often the people who have these sorts of contacts are democracy activists in their own country, in terms of Eastern Europe, and they were very active in pushing for democracy in their own areas. So these are people often with whom we have worked for over a decade. And so it the areas with which we have contact, so we get the information through Europe, basically.

Ms. ROS-LEHTINEN. Thank you.

And any of you could answer this question.

Better coordination between U.S. Government departments and foreign aid agencies is often cited as a priority for the proper management of U.S. assistance programs in the 21st century. One of the recommendations is the creation of an effective interagency co-



ordinating mechanism in Washington, as well as in the embassies in the field.

Should these units be issue-oriented and country-oriented? And also what would you consider to be critical components of such an interagency process?

Should it follow the model of the review process for exports of dual use items, for example?

Should agencies have the ability to veto allocation decisions and should State Department be the lead for this coordinating mechanism? What other recommendations would you suggest to ensure a more coordinated effort and efficient approach to U.S. assistance overseas?

Ms. Dalpino?

Ms. DALPINO. If I may, I am afraid that my own experience runs counter to that suggestion. I think that we probably do need much greater coordination between Washington and the field and I would say that in the past 10 years probably Washington's objectives and views have probably prevailed over the field's in assistance programs too often.

I hesitate to endorse an interagency approach because that leads to interagency meetings, that leads to adding a bureaucratic level to this. I attended some interagency meetings that had 75 people, all of whom represented a particular bureau or quarter with a particular position they wanted to defend or put forward and it was not a particular prescription for streamlining or for more effective coordination.

I think perhaps having tighter lines of communications between two or three key agencies, but, again, beefing up the Washington field coordination and giving the field more weight would probably do a better job.

Mr. RICKARD. If I might also address that?

Ms. ROS-LEHTINEN. Yes, Mr. Rickard.

Mr. RICKARD. I think that there is tremendous value to regional expertise and nothing that I have said should be misinterpreted as saying I do not think there should be regional bureaus, either at AID or at State. But I do think that there is a very, very important role for having some entities that also have a global perspective and are in a position to look at the entire picture and say, you know, are our resources really well allocated or are they still too much a product of prior history, just sort of moving forward in lock step.

The amounts have gone up, but they have gone up in the same proportions when in fact there are new demands over here, somebody is sort of looking to shift things over.

And while I have also been in enough interagency meetings to share Catharin's desire not to foist them on other people more than necessary, I do think that this is an important moment to take at least one serious effort at a look overall at what has been an explosive—literally, exponential growth in democratization programs now totaling three-quarters of a billion dollars, to make a serious effort at the beginning of this Administration to say is this being done well, are our resources where we want them to be.

So I think that not necessarily institutionalized or every year, but at the beginning of this Administration, a concerted inter-agency look would be useful.

Ms. ROS-LEHTINEN. Thank you.

One of the criticisms issued against the Human Rights Report is that there are statements of fact without frame of reference. For example, in the Sudan section, there is a statement that the regime maintains massive military expenditures, but nothing further except a few lines later, the report states that the government security forces regularly beat, harass, torture, arbitrarily detain and sometimes extremely abuse the opponents of the government in addition to beatings of refugees and repeatedly raping women abducted during raids.

Do you agree or disagree that the State Department should address the link that exists between the military expenditures and the human rights violations in Sudan and how do you think concern about the lack of context or linkage should be addressed?

And do you agree or disagree that the report should provide more analysis, more on the U.S. position on the violations cited?

Mr. MARSHALL. Yes, Madam Chairwoman, I would agree with those, particularly the relationship between the military expenditures and the increased atrocities, the ability of the Sudanese government to project its power has increase tremendously in the last year and that is one reason for increasing attacks. I think that sort of linkage should be in these reports.

Secondly, the reason for the increase in activity is increased funds from oil development in Sudan. These sorts of links, I think, can be made—can and should be made explicitly in these reports. It is not itself uncommon in U.S. policy, but without knowing that, you are simply getting a distorted picture of what is happening in the country.

Ms. ROS-LEHTINEN. Yes, Ms. Massimino?

Ms. MASSIMINO. I think that it is important for these reports to state the facts. Perhaps we should focus on achieving that goal first because I think one of the problems, and you see it in the Sudan report, but you see it all throughout, is the reluctance of the State Department to speak in its own voice. So it says there are reports of this, when they know that those reports are credible, or they make it sound as though there is just a disagreement between political factions as if we do not have any view on which side is right.

That, I think, is a serious flaw that needs to be corrected. It flows throughout. It has improved over the years, but it is still in there, and it does not help us formulate a human rights based foreign policy if we cannot make a judgment from reading these reports about whether those are simply allegations or whether those allegations are believed by the U.S. Government.

Ms. ROS-LEHTINEN. Thank you.

And to wrap up our questions, I will call on my colleague, Cynthia McKinney.

Ms. MCKINNEY. Thank you, Madam Chair. I only have two questions.

Probably before I get started, I have some materials that I would like to submit for the record.

Ms. ROS-LEHTINEN. Without objection.

Ms. MCKINNEY. Thank you very much.

[The information referred to is not reprinted here but is on file with the House Committee on International Relations' Subcommittee on International Operations and Human Rights.]

Ms. MCKINNEY. On the situation in the eastern part of the Democratic Republic of Congo. One question. Turkey, Israel, Colombia, Indonesia and Rwanda all receive poor marks in the Human Rights Report, yet all of them receive or have received substantial military assistance from the United States.

What role does our military assistance play in the ability of these countries and other countries like them that receive U.S. military weapons or equipment or training, how does this contribute to their ability to effect human rights abuses?

Mr. HARTUNG. If I could take a first crack at that, it occurs on a couple of levels. I think at one level, the mere fact that the United States is providing military assistance to countries that engage in significant human rights abuses represents an endorsement, a form of political support for those regimes and those activities.

On another level, you are strengthening the military structure, the apparatus, which is carrying out those abuses.

In cases like Turkey or Israel, in a given year they might get as much as 80 percent or more of their weapons from the United States, so there is going to be virtually—there is going to be very little that those security forces do that is not somehow enabled by U.S. aid.

Then on a level that some of my colleagues could probably speak more articulately to, there are specific cases of U.S. rifles, instruments of torture, et cetera, that are documented to have been used in specific abuses.

I think there are a number of different ways, but the notion in the International Arms Sales Code of Conduct in part was to elevate the importance of human rights and democracy. We do not want to assume that we are going to be arming countries that cannot meet those standards.

Now, that does not mean you could not come to a judgment because of other circumstances that you might still do so, but too often the human rights issue is knocked off the table immediately, as soon as the issue that it is an ally is on the table. And, as I said before, I do not think that really does much of a service, even to those regimes, by turning a blind eye to those abuses because ultimately they undermine their legitimacy and their stability if those abuses are allowed to continue.

Ms. MCKINNEY. Now, do we know that U.S. weapons have been used, for instance, in Turkey and in Israel?

Mr. HARTUNG. Yes. Yes. There has been—

Ms. MCKINNEY. To commit human rights abuses?

Mr. HARTUNG. Yes. If you look over the last 5 years, there have been reports by the State Department, by well respected independent human rights groups of use of U.S. weaponry to abuse human rights in both of those cases. Not always to the level of detail we would like, but, for example, in Turkey, in the war in the southeast, they were using U.S. aircraft, U.S. helicopters, U.S. armored vehicles, some of the most repressive components of their se-

curity forces. Human Rights Watch pointed out they used M-16 rifles supplied by the United States.

So there is plenty of evidence. When you get down to what happened in this incident at this time, that takes a lot more work. Actually when the State Department was asked to look at human rights abuses in the southeast of Turkey, the Turkish government would not let them into the southeast to make those determinations. They had to rely on people who had fled and reports by other organizations, but Human Rights Watch did a very good report 5 years ago on human rights, laws of war, violations in Turkey enabled by U.S. weaponry.

So there is information there, but it needs to be—that record needs to be compiled, updated. We can not just sort of go asleep at the switch and take these things for granted or assume that they are acceptable, just because they are being done by an ally.

Mr. RICKARD. I would absolutely agree that there is plenty of evidence that U.S. weaponry is being used to commit gross human rights violations in these countries, but it is not evidence—but what we do not have in place is, first of all, the McKinney-Rohrbacker Code of Conduct on Arms Sales to know ahead of time we are not going to sell to those places. But then equally disturbing, we do not have in place a system to know what has been done once the arms have been sold.

This is an August 2000 GAO report submitted to Mr. Gilman, he requested it last year, and it is on the subject of the ability of the United States to track weapons sales to countries of concern. They surveyed 68 U.S. military establishments abroad. In 40 of those cases, the response was we do not do end use monitoring. It is a congressional mandate, but we do not do it.

In two countries where there have been tremendous upheaval in recent years, Pakistan and Indonesia, they asked specifically have you gone out to see whether or not U.S. weaponry in the arsenals of these countries are being used to commit these atrocities, which is a congressional mandate, and the answer was no.

When the Appropriations Committee asked the Department of Defense to report on the use of U.S. weaponry in southeast Turkey, they came back with the following answer. It kind of went like this: 90 percent of their weapons come from the U.S., we know they are committing gross human rights violations, ergo we assume a lot of those violations are being caused with U.S. weaponry, but we do not have personnel for this, we do not really have a budget for it, we are not out in the field doing this.

And so not to be a Johnny One Note—or actually to be a Johnny One Note, that is one of the reasons why one of the other provisions in the Human Rights Investment Act is a provision that says we ought to take one penny out of a dollar of military aid to know what is being done with the things we are selling them.

It is not even about prohibiting it, it is just saying we do not want to be a “see no evil” country that says take the weapons, do whatever you want to with them, we do not want to know.

We at least ought to know. And what the GAO says is at the moment we are in no position to know what is being done. The NGOs are going out into the field and finding it out, but not the U.S. Government.

Ms. MCKINNEY. Okay. I have one last question and I do not know that anybody will be able to answer this one either, but I will pose it because it is something that I think about. It is impossible to cover all of the areas and issues of human rights in one hearing because we have not even touched on blood diamonds, you know, there are so many issues out there. U.S. policy in the Great Lakes region under the Clinton Administration, we saw 1 million innocent Rwandans murdered as we did nothing.

We have seen 3 million innocent Congolese murdered and we have done nothing. We have seen two presidents murdered as a result of an act of terrorism. We, the United States, the United Nations, the so-called international community have done nothing.

And already I see private companies rushing into eastern Congo to benefit from the mineral resources as the invading Ugandan and Rwandan troops seem to be preparing the ground for the economic abuse of the eastern Congo region.

It is sort of along the lines of campaign finance reform in this country, that we have the huge influence of corporations and glossy lobbyists who can come up here and make a compelling case for Members of Congress and Members of Administrations and that is why we get sometimes really screwed up policies.

And so I look at the economic pilfering that is taking place now in the eastern part of that partitioned country and I see the likes of Akin Gump representing companies that are already over there, Banro, I see Barrick Gold, on which former President Bush sits on the board. Haliburton, it is my understanding, has deep investments in Rwanda. So if the major investment of leading non-elected policy makers benefits from the human rights abuses that are taking place, as we all see and as yet no one sees or maybe no one cares, how can we ever hope to change the policy? How can I and Ileana and Congressman Tancredo have an impact when we are just three people who are up against the likes of Barrick Gold, Banro, Haliburton and all the lobbyists that they have to employ to come up here and make a bad situation smell good?

Can anybody answer?

Ms. ROS-LEHTINEN. We will just have a 1-minute response, if you could.

Mr. HARTUNG. I am glad you asked that question. There is a concept that William Reno, a professor at Florida International University, uses called the business of war. He coined it in terms of what Charles Taylor in Liberia selling off timber to Mitterrand's son to fuel his war.

You see it in terms of conflict diamonds. You see it in terms of fact like U.S. investors like Maurice Templesman writing letters to the head of the RUF and Sierra Leone saying let's make a deal on your mineral rights.

These institutions have to be held accountable as well and when we had an international movement to roll back the apartheid regime, we fought all those same interests and we won. In this case we need more education, we need more clarification, because our Government and these companies seem to act as if they have no interest in Africa any more, but they are still cutting the deals, they are still mining the resources, they are still pumping the oil. We have made a start on exposing that, but we have to really ele-

vate that big time, as Mr. Cheney would say, if we are going to have an impact.

Ms. MCKINNEY. Thank you so much. I am so pleased to have Mr. Tancredo in our Committee and I will have him close it out.

Mr. TANCREDO. Thank you. And I have just a very brief question, a request, actually, of you.

As you perhaps know, I think it was mentioned earlier, I am told that it was mentioned earlier, that we did in fact introduce the Sudan Peace Act just a little bit ago, a few hours ago. And I just came from the press conference.

I would very much appreciate it, although we certainly do not have the time at this hearing, but I would personally appreciate it if you would take the time to provide your observations on the Sudan Peace Act to our office at your earliest convenience.

That is my only request, Madam Chairman. Thank you.

Ms. ROS-LEHTINEN. Thank you so much.

Thank you. The Subcommittee is now adjourned.

Thank you to all.

[Whereupon, at 12:51 p.m., the Subcommittee is adjourned.]

## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

ERRATA TO THE PREPARED STATEMENT OF CARLOS SALINAS, ACTING DIRECTOR FOR  
GOVERNMENT RELATIONS, AMNESTY INTERNATIONAL USA

IN THE SECTION ON CAMBODIA:

*The following . . .*

“The characterization of efforts to establish a war crimes tribunal for the Khmer Rouge appears to have some spin.”

*should read . . .*

“The characterization of efforts to establish a special tribunal for the Khmer Rouge appears to have some spin.”

*The following . . .*

“The Report, perhaps reflecting overall U.S. policy, fails to address the issue that crimes against humanity have international jurisdiction and thus need to be taken up in an international war crimes tribunal.”

*should read . . .*

“The Report, perhaps reflecting overall U.S. policy, fails to address the issue that crimes against humanity are crimes of international jurisdiction and thus can be taken up by an international tribunal if the state where these crimes occurred proves unwilling or unable to try these crimes in proceedings meeting international standards of fairness.”

*The following . . .*

“The U.S. government has played an “intermediary” role between the UN and the Cambodian government on the war crimes negotiations, and has undermined efforts to establish a truly international tribunal.”

*should read . . .*

“The U.S. government has played an “intermediary” role between the UN and the Cambodian government on the trial negotiations, and has undermined efforts to establish a truly international tribunal.”

IN THE SECTION ON JORDAN:

*The following . . .*

“The Report is very thorough with one exception.”

*should read . . .*

“The Report is very thorough and we would like to point out one of the exceptions to this assessment.”

IN THE SECTION ON SRI LANKA:

*The following . . .*

“Also, the Report did not include a single violation brought to our attention of violations against sexual minorities.”

*This sentence should be deleted.*